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GULF OF THE FARALLONES &amp; MONTEREY BAY

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NATIONAL MARINE SANCTUARIES

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SANCTUARY ADVISORY COUNCIL WORKSHOP

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THURSDAY, DECEMBER 4, 2003

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Miramar Lodge

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2930 Cabrillo Highway

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Half Moon Bay, CA 94019

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REPORTED BY: E. BRUIHL, CSR NO. 3077  
REGISTERED PROFESSIONAL REPORTER

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A P P E A R A N C E S

COUNCIL MEMBERS:

DANIEL BASTA, NMSP DIRECTOR

MICHAEL WEISS, NMSP DEPUTY DIRECTOR

MARIA BROWN, NMS ASSISTANT MANAGER

DAN HAIFLEY, MBNMS ADVISORY COUNCIL

REPRESENTATIVE

BILL DOUROS, MONTEREY BAY NMS SUPERVISOR

BARBARA EMLEY, GFNMS ADVISORY COUNCIL CHAIRMAN

DAN HOWARD, CORDELL BANK NMS MANAGER

MODERATOR: JULIE BARROW, WEST COAST

COMMUNITY LIAISON, NMS PROGRAM

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2 P R O C E E D I N G S

3 THURSDAY, DECEMBER 4, 2003 3:05 P.M.

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5 MS. BARROW: I would like to  
6 welcome everybody this afternoon to the  
7 Sanctuary Advisory Council Workshop.

8 My name is Julie Barrow. I'm the West  
9 Coast Community Liaison for the National Marine  
10 Sanctuaries Program.

11 I operate the field office here in Half  
12 Moon Bay at 625 Miramontes in what is called the  
13 "Hatch Building" right across the street from  
14 LaPieza and, la-de-dah.

15 Great location, lots of bakeries, good  
16 coffee. (Laughter) Come on in and see me  
17 sometime.

18 You can see the agenda up here. I'm  
19 going to just run through it really quick so  
20 that you have kind of the logistics of the way  
21 things are going to go.

22 If you need a rest room, it's right  
23 behind where Bill Douros and Sarah Marquis are

1 standing in the door alcove there.

2 Comment tables and literature are out  
3 in the lobby. If anyone wants to make public  
4 comments during public comment period, please  
5 get a green speaker's card and fill it out.

6 We are going to try to accommodate as  
7 many commenters as we possibly can.

8 Also, so that you know, the first three  
9 rows are Sanctuary Council members. We have a  
10 couple of staff in there because they are doing  
11 particular jobs.

12 And then we have Dan Basta, the  
13 Director of the National Marine Sanctuaries  
14 Program and his Deputy Director, Michael Weiss.

15 We have Barbara Emley who is the Chair  
16 Person of the Gulf of the Farallones National  
17 Marine Sanctuary Advisory Counsel; Dan Haifley  
18 who is the Secretary of the Monterey Bay  
19 National Marine Sanctuary Advisory Council (too  
20 many words).

21 And they will be joining the panel  
22 discussion a little bit later along with  
23 builders, the Superintendent from Monterey Bay,

1 National Marine Sanctuary; Marie Brown, the  
2 Assistant Manager of the Gulf of the Farallones  
3 National Marine Sanctuary.

4 Am I leaving anybody out?

5 VOICE: Dan Howard.

6 MS. BARROW: Dan Howard, thank  
7 you, the Manager from Cordell Bank National  
8 Marine Sanctuary.

9 A couple of things. We will keep  
10 things moving along so if as the public speakers  
11 or as the commenters come up, if over time if  
12 you have heard your comment given by someone  
13 else, we would ask that you say, "my overall  
14 comment has been presented before. I am in  
15 support of XYZ," so that we can accommodate as  
16 many speakers as possible.

17 If that would work, I would greatly  
18 appreciate that.

19 Also, so that you know, we will be  
20 accepting written comments. The address for  
21 where written comments can be sent is on the  
22 flyer that was on the table in the lobby.

23 We will also be accepting comments via

1 email. That email website or address is  
2 "Jointplancomments" (all one word) "@noah.gov".

3 That will be on a slide at the  
4 conclusion of the meeting so that you can make  
5 note of that as well.

6 At 6:40, we will have the opportunity  
7 for the two Councils should they chose to have a  
8 breakout session.

9 One Council will stay in this room and  
10 we have a second room just off this building for  
11 the other Council to meet. We will make that  
12 decision in a few minutes, depending upon how  
13 things go.

14 So, with that, I'm going to turn it  
15 over to Dan.

16 MR. BASTA: Thank you. Thanks  
17 very much.

18 First, I want to apologize right off  
19 the bat if I mumble or appear to have marbles in  
20 my mouth because I do.

21 I have a cough and I'm trying to get  
22 through today's event but, with that said,  
23 forget about it.

1                   It is very good to be here and to see a  
2                   lot of old friends and friendly faces.

3                   I suspect there is about a quarter of  
4                   the people in this room that I know to some  
5                   extent and it's a testament to public commitment  
6                   that you all took a rainy afternoon on a  
7                   Thursday to come out to this meeting.

8                   We have got some I think very practical  
9                   objectives today and our primary objective is to  
10                  hear from you but we also want to arm you.

11                  We want to arm you with information  
12                  about this issue, what we know about it, how we  
13                  got to this issue and what we have heard, what  
14                  we have done.

15                  So that, hopefully, the presentation  
16                  that myself and Michael is going to provide you  
17                  with is going to give you some more background  
18                  and context within perhaps to help frame your  
19                  input to us as we go through today's events.

20                  We organized a panel discussion for  
21                  today as well because we thought that would be a  
22                  very good organized way to enrich the content of  
23                  the debate and we have a series of questions

1       that both the Farallones SAC prepared that  
2       really are the questions that we will ask  
3       panelists to give us their two cents on and then  
4       we will allow you as well to query the  
5       panelists.

6               So, we are trying in one day which is  
7       not an easy thing to do to maximize our ability  
8       to understand the nature of the issue, your  
9       concerns, for you to understand what we have  
10      done and to give us your best recommendations  
11      over the next month or so.

12              So, with that said, I want to launch  
13      into the one hour if we can get through this  
14      presentation of the context for why we are here  
15      today.

16              If you would be so kind?

17              We are supposed to have a map up here  
18      but computers, as always, we can't get the map  
19      up but the point of it is we wanted to make it  
20      clear what are we talking about.

21              We are talking about this area, in  
22      particular, (indicating) and this is the area  
23      which is called the "Joint Management Area.



1           It's a pretty large area.

2                     If you look at these simple statistics,  
3           you see this area of Joint Management is larger  
4           than the entire Gulf to the Farallones Sanctuary  
5           and it's about twenty-six percent of the area of  
6           the Monterey Bay Sanctuary, as designated.

7                     So, it's a pretty big chunk of real  
8           estate that is part of the issue that we are  
9           here to try to help resolve.

10                    Next slide?

11                    What's the problem? Why do we find  
12           ourselves on this drizzly Thursday in this room?

13                    Well, and now I'm going to try to  
14           recreate how we got here a little bit and you  
15           have to realize that it's my interpretation.

16                    So, if you have a problem with it, then  
17           I guess we need to talk about it but it appears  
18           that since the mid 1990s, there has been a  
19           problem with the quality, quantity and direction  
20           of services in this area of concern.

21                    Somewhere in the mid '90s, things began  
22           not to work so well.

23                    We got a lot of letters in the files

1 from probably some you on this very subject  
2 going back to the mid 90's and people in the  
3 program as I'll show you when I go through the  
4 chronology have recognized in various attempts  
5 of looking at the problem that there has been  
6 some problem.

7 So, the fact is that it's a problem and  
8 it is okay to use the word "problem". We need  
9 to find a way to resolve this.

10 So, again, our goal today is to enrich  
11 that debate as much as we can.

12 Next slide, please?

13 Hopefully, as many of you as possible  
14 will come up to this podium and provide input to  
15 us, input of a scientific nature, criticism and  
16 concern, or point out aspects of things that we  
17 are just missing or we need to hear again.

18 Hopefully, when we are done today, we  
19 will all at least be on an equal footing about  
20 what we know and don't know to take further into  
21 that final process of making a decision about  
22 this problem.

23 Next slide?

1 Well, I wanted to find out how we got  
2 here. So, I did a little digging and I think it  
3 works like this.

4 Initially, when this arrangement was  
5 set up, it was probably a very good idea.

6 It was, I think, an innovative idea  
7 when the sanctuary program had very little money  
8 and very little staff and you were just starting  
9 this up very large sanctuary called Monterey  
10 Bay, over five thousand square miles, and it  
11 made good sense to probably use this approach of  
12 creating a joint management jurisdiction in that  
13 area but it appears as we moved through time,  
14 again, that mid '90s period when additional  
15 resources came into the program, the Monterey  
16 Bay site started to get off line and become more  
17 mature in its operations that we began to have  
18 difficulties in modifying these internal  
19 agreements and I say "internal agreements"  
20 because that's what they are.

21 Nobody in this room was involved in  
22 this difficulty. It was something internal to  
23 this program, it seems.

1                   So, as we progressed, it created a  
2                   confusion. That's a real confusion in this  
3                   area, and began a question of really where does  
4                   the direction come from? Whom do you go to for  
5                   what? And we began to arrive at that  
6                   comfortable place is the problem as we know  
7                   today.

8                   Go on.

9                   I want to go through the chronology to  
10                  give you a little sense that this is real.  
11                  There is meat to these bones.

12                  If you would?

13                  The real point to look at starting this  
14                  is in October of '92 right after designation.  
15                  There was an initial assignment of management  
16                  responsibilities to the Gulf of the Farallones  
17                  management.

18                  Again, I think that was an innovative  
19                  idea. We have got to get going. We've got to  
20                  provide protection and that's the best way we  
21                  can do it.

22                  We have staff up there. We have nobody  
23                  down in Monterey. Let's do that.

1                   Something appears to be happening here  
2                   because then there is a clarification of the  
3                   temporary delegation.

4                   Well, maybe the idea wasn't then  
5                   formed, oh, no, but we have documents in the  
6                   files that are memorandums and directives from  
7                   previous Directors that tell us they were  
8                   clarifying, they were confirming, they were  
9                   trying to make determinations regarding this  
10                  temporary arrangement from '92.

11                  Continue, please.

12                  Nothing appears to be working and then  
13                  in January '97, we see there is now a joint  
14                  management structure.

15                  Up until that time, there wasn't a  
16                  joint management structure and you would think  
17                  that we'd be able to handle the joint management  
18                  structure.

19                  I would have thought so but we began to  
20                  see we still have a problem and then a series of  
21                  things occurred in '97 which I think is really  
22                  where this all began to unravel a bit and you  
23                  see that there is a series of things that were

1        attempted: The joint task force, the term is  
2        extended, an MOU was written, the task form  
3        never meets and a lot of things in government  
4        just kind of disappears into the haze.

5                A joint task force was never convened,  
6        as far as we could tell.

7                Go on.

8                Then, we come to where I start entering  
9        the picture and I have to take responsibility  
10       for things that occurred after October 2000.

11               Before October 2000, the year before I  
12       was in an acting position, Nancy Foster had  
13       asked me if I would do that.

14               I said yes and I came out here and I  
15       met with a number of folks trying to understand  
16       the program, including County executives, and I  
17       began to hear there was a joint management to  
18       carry the problem.

19               The fact of the matter is I never knew  
20       there was a joint management area at all and I  
21       don't think the rest of the world outside of  
22       these communities really understood that.

23               So, the question then became what are

1 we going to do about this problem?

2 And, you know, as in all these things,  
3 there's powerful forces, ones that make a  
4 decision, do this, don't make a decision, do  
5 that, and it seemed to me that there was a  
6 couple of things that just were very clear.

7 First, there really wasn't much  
8 infrastructure operating up here in this part of  
9 the sanctuary or down there from and the first  
10 thing that we did was, well, let's create  
11 something in Half Moon Bay and Judy Barrow and a  
12 field office was placed here to begin to better  
13 understand the community needs. She's a  
14 community person in this region.

15 And then in thinking about this issue,  
16 I made a decision I'm culpable of making it part  
17 of the joint management plan process and all of  
18 you know this wonderful process that you have  
19 been struggling through to try for the first  
20 time to build true management regimes for  
21 conservation in these sanctuaries.

22 And my view was that this was one of  
23 those public issues that should be brought into

1       that forum for its ultimate resolution and  
2       that's what we did.

3               Now, unfortunately, as many of you know  
4       that process took a lot longer to get started,  
5       probably about a year than what people's  
6       anticipation was for various reasons, and we  
7       really didn't get the work going on the  
8       assessment team until February.

9               I'm going to talk about what they did,  
10       what they were charged to do, what the process  
11       was, what it did well and what it didn't do  
12       well, including the July period where they  
13       presented the draft Phase One outcomes of their  
14       data acquisition and analytical process and then  
15       we arrived here where we are today.

16              So, that's a brief sort of run through  
17       the tulips of how we got here today and I think  
18       if you are going to be going to -- before that  
19       process, you've got to understand the whole ball  
20       of wax of how we got here.

21              Nobody intended us to get here.    This  
22       is what you would call in the management  
23       literature the trip to Abilene.



1 I don't know if any of you understand  
2 what that is about.

3 It is where people never wanted to go  
4 to Abilene, Kansas, and they leave on a vacation  
5 one day and they all wind up in Abilene and  
6 nobody wanted to go there but no one would tell  
7 the other person they didn't want to go there.  
8 They wound up in Abilene.

9 I think what we have here is Abilene on  
10 the West Coast, maybe.

11 Okay. Again, don't want to belabor  
12 this but I want to recap this and tell you where  
13 the joint management area working group fits in  
14 this.

15 The joint management plan review out  
16 here, everyone, all of you sat -- members in  
17 particular -- you have got to be proud of  
18 yourselves.

19 This is the most comprehensive public  
20 process for the Marine conservation ever run  
21 anywhere in the world, period.

22 It was tough going, particularly for  
23 the Farallones folks who we created a SAC there

1 and they immediately found themselves in  
2 alligators up to their necks in public process  
3 on management plan review. Huge accomplishment.

4 Scoping meetings, I think were really  
5 what made this work because they were very  
6 successful and people began to trust and believe  
7 this was a legitimate process but, during those  
8 scoping meetings, we did get somewhere around a  
9 hundred written comments about the joint  
10 management area.

11 It was an issue that the community  
12 absolutely said is an issue to resolve. Was it  
13 make believe?

14 When we had our joint SAC working  
15 meeting which, by the way, for you SAC members I  
16 think that's where over the process we knew it  
17 would worked but at the end of that day, the SAC  
18 members said, "yeah, we understand this and we  
19 think this is going to go this way" and they  
20 really began to own the process.

21 SAC members identified among the  
22 priority issues solving this joint management  
23 plan -- this joint management area issue and,

1 out of the action plans that were created, that  
2 huge document which tried to lay the road map of  
3 how we are going do all this public complex  
4 public process working groups, there were  
5 thirteen internal teams created and one of those  
6 teams was designated will work on the joint  
7 management area and that's the team that did the  
8 work.

9 Next line, please?

10 I want to talk about this group because  
11 they have done all the hard work in pulling  
12 together stuff.

13 It was the stuff for you to criticize.  
14 Do all the hard work but, ultimately, it has to  
15 pass the litmus test, the straight face test,  
16 regardless of what you contribute to it.

17 So if you will do that next line?

18 What did we ask them to do? And I'm  
19 going to go to the process on the next slide.  
20 Don't go there yet but first I want to be sure  
21 that everybody knew what their charge was.

22 If we were going to look at this  
23 boundary issue, we were going to do this in the

1       appropriate manner bringing information to bear  
2       that is relevant to why it had boundaries.

3               This was not going to be something that  
4       we were going to let memos in the files or  
5       innuendoes or ad hoc ideas dictate.

6               We owe it to you to do this in a  
7       professional way because we are supposed to be  
8       the professionals.

9               So, that group was charged with  
10       bringing together the most comprehensive set of  
11       information they could get their hands on many  
12       many sources and work through a logical process  
13       of how you would sift through that to understand  
14       what were the implications of that boundary and  
15       whether is there a basis to say, "ah! There is  
16       a lot of good reasons to say why we ought to be  
17       moving that boundary."

18               That's what they were charged to do and  
19       they were charged to collect that special data  
20       information. So we will get administrative  
21       structures and then to think about subsequently,  
22       you know, we just don't take a pencil on a map  
23       and say I moved the boundary to there. Do you

1 think you could do that with Canada and say,  
2 "ohh, I just think we want to change the  
3 boundary today. We are going to want to put it  
4 around Ontario."

5 There is a legal process. There is a  
6 whole set of law of our country that dictates  
7 all these things.

8 So, there is a regulatory framework and  
9 you had better consider if you are really  
10 interested in knowing all the facts about what's  
11 a good idea to do.

12 Next one, please?

13 There are two phrases to this and this  
14 was approved by everybody in that plan document  
15 how we are going to do this but something  
16 happened in Phase Two where we had a  
17 communication problem and, in looking at that  
18 and hearing everybody's part of this, I,  
19 personally, conclude the following.

20 I conclude that our folks  
21 misinterpreted some of the things they had to do  
22 in Phase Two with the SACs and I think some of  
23 the SACs misinterpreted what they thought they

1           were going to get in Phase Two.

2                       Now, my view of Phase Two is that Phase  
3           Two is where you have that interactive  
4           discussion and debate and you may do assessments  
5           in that, collectively, regarding that issue and  
6           that really didn't occur quite that way.

7                       So, today's meeting is a continuation  
8           of Phase Two.

9                       In the next thirty days plus are a  
10          continuation of Phase Two because we need to be  
11          sure of our commitment to public process that we  
12          walked the talk on how that works but I will  
13          acknowledge that at least prior to greeting the  
14          tea leaves (sic) exists some of our folks missed  
15          a step on that, I think, and I think there was  
16          also some confusion beyond missing a step on the  
17          part of some of the SAC members of what they  
18          were going to get in the EIS kind of concept  
19          which was never the idea but that's okay.

20                      Colleagues can have those issues but we  
21          have got to resolve them.

22                      Next, if you would?

23                      Who are the people who we said were

1       going to do this and why do we have this  
2       internal team as that document did describe?

3               This was the hard work of digging in  
4       the vineyards, you know? Finding the data set,  
5       putting them into GIS, documenting them into  
6       data sources.

7               Ton of work. This is not the fun stuff  
8       for everybody and we tried to create a team of  
9       "knowledgeable people" here, the people who have  
10      the O-ring, whatever that is, bringing experts  
11      from NOAA, not all from this program and subject  
12      matter and then we had SAC observers because  
13      there was some concern that this internal team  
14      was going away and doing stuff in a covert  
15      manner and that, again, is part of the  
16      misperception of the Phase One and Phase Two, I  
17      think.

18              We said fine. There's really nothing  
19      going on here except the hard digging in the  
20      vineyards and putting together the data and the  
21      information to understand what these boundaries  
22      mean or don't mean.

23              And there is quite a few people

1       involved here and, frankly, you know, I have  
2       been involved in spacial analysis for a very  
3       long time. I don't even want to tell you how  
4       long, thirty years, and I would say that our  
5       folks did a pretty good job.

6               I mean, from the shear volume of stuff  
7       that they were able to bring together in a  
8       deliberate way of trying to make intelligent use  
9       of that information and incomplete information,  
10      they did a pretty good job.

11             Could you do a better job? Well, if  
12      you give me, you know, two years and a couple of  
13      million dollars I could do a better job but what  
14      are we trying to do here today is the issue.

15             Are we trying to do is penultimate  
16      clever little sophisticated spacial analysis for  
17      a boundary determination? Or are we trying to  
18      make a public choice that makes sense for the  
19      practical management purposes of what we are  
20      about? I think at this time latter.

21             You are kidding me! Holy cow! I'm  
22      really taking a long time. I've got to hurry  
23      up.



1                   Boundary determination. I just want to  
2                   put this up here so that everybody knows how  
3                   complex it is when you try to determine where  
4                   boundaries are.

5                   We need to consider the biogeography,  
6                   where are the animals, their life stages, their  
7                   migrations, the geography of the management  
8                   issues.

9                   Where are the problems? You want to  
10                  have boundaries that incorporate enough of the  
11                  problem shed to work on, enough of the affected  
12                  biology, but you have got to be aware of the  
13                  political jurisdictions.

14                  Who has got jurisdiction where? How  
15                  complex is that management regime if everybody  
16                  has got a piece of the pie and then  
17                  socioeconomics.

18                  Who's affected? What economic  
19                  activities are affected, what people need to be  
20                  involved?

21                  You've got to have all that and, when  
22                  you put that together, that's what you have got  
23                  to try and balance.

1                   The next slide?

2                   In our program, we do this all the  
3                   time. It was not done when these slides were  
4                   created in 1992 and 1982.

5                   I was there. I was on this program. I  
6                   know what happened in Monterey, how those  
7                   boundaries were thrown in a mess.

8                   I know what data people brought in.  
9                   People were not analyzing boundaries this matter  
10                  and that has been the case for very few  
11                  sanctuaries, actually, political process.

12                  For us, good boundaries have these  
13                  properties. So, when we looked at the kind of  
14                  data we needed to have, the data that you need  
15                  to have to be able to support your criteria for  
16                  what makes good boundaries.

17                  Next slide?

18                  Now, this is really -- I'm just going  
19                  to run through this part real quick.

20                  My own point here is to do two things:  
21                  Prove to you that a lot of information is being  
22                  collected which, by the way, will be together in  
23                  two weeks, available on the web for anybody

1 anywhere to access and, for SAC members, they  
2 will be able to have a single point of contact  
3 and make data requests.

4 So that we want to get the information  
5 and things that are needed and perceived to be  
6 needed to the right people to do that.

7 So, a ton of stuff on bound geography.  
8 Big Addis (phonetics) was generated. May of you  
9 have seen that, a lot of work.

10 Next slide.

11 What did all that mean to the process?  
12 With the stuff that was in there, it seems that  
13 on the shelf and slope environment, there don't  
14 appear to be major biological shifts in that  
15 area that say, "oh, if you're going to really  
16 manage for biology, you'd better be concerned  
17 about encompassing these things."

18 There are gradings that exist, for  
19 sure. They exist up and down the coast every,  
20 latitudinally, and we do recognize that there is  
21 concern that there may be some additional  
22 information that should be added there and that  
23 is a legitimate concern.

1                   Next slide?

2                   Jurisdictions. Well, you can see there  
3                   are thirty-five different boundaries looked at,  
4                   of zonings and ownership that somehow interweave  
5                   through this area that you have got to think  
6                   about because they all have a permit management  
7                   problem.

8                   Next slide?

9                   And what it really says to us when you  
10                  look at that complex mosaic is there aren't any  
11                  systematic patterns that say if you were to  
12                  slice and dice it this way, you'd have better  
13                  ability with lesser management problem solving  
14                  and bisecting different agency boundaries.

15                 Doesn't appear to be any sort of  
16                 systematic patterns that you can see there. Some  
17                 parts of the country, there are.

18                 Next slide?

19                 Socioeconomic activities. These are  
20                 the kind of things we have to put together.

21                 Who lives where? What are the economic  
22                 functions where and how they relate to this area  
23                 because that's part of that bouillabaisse of

1 bouncing all of these concerns and what do the  
2 public tell us?

3 We took those hundred comments that we  
4 had and we looked at what they were saying,  
5 whether there were problems and things that they  
6 were concerned about. So, we can look at that,  
7 too, with the data.

8 Next slide?

9 Clearly, there are some regional  
10 centers but, really, what appears to be the  
11 function here is this great mobility of people  
12 up and down this coast and I think a black and  
13 white statement really tells you the answer and  
14 changing different sets of boundaries and people  
15 look at different ways of doing things, there  
16 didn't appear to be any better way of grouping  
17 any activity patterns, it seemed.

18 We didn't buy anything one way or the  
19 other in terms of, "boy! It would be much more  
20 efficient with respect to these interest groups  
21 if we did it this way versus that way." That  
22 was the conclusion of the group.

23 Next?

1                   But those hundred comments told us what  
2           I just said. Yeah, there is some problem that  
3           exists and there is this confusion; and that was  
4           from those hundred comments.

5                   When you added them all up, everybody  
6           said too big ideas and those were they.

7                   Next?

8                   Problem shed? We looked all of these  
9           problem shed areas. Where are the problems  
10          manifesting themselves up and down the coast?

11                  Again, tried to see if how does that  
12          fit into who had jurisdiction and what might  
13          mean.

14                  Next slide?

15                  And it seemed to be that I think the  
16          second bullet is the one that is really relevant  
17          to look at.

18                  Any way you cut it, you are bisecting  
19          different problem sheds in different pieces and,  
20          again, there doesn't seem to be any coherence to  
21          any special way of cleverly parting this out if  
22          you said, well, what are my boundaries, to do a  
23          really good job on making that efficient.

1                   Maybe the legislators knew what they  
2                   were doing in not worrying about those things  
3                   back in '92 and '82.

4                   Next slide.

5                   So, all that said, that group did those  
6                   things and that's for you to think about and  
7                   "made sense", "didn't make sense" and you'll  
8                   have access to all those data in two weeks and  
9                   SAC special access to air out all the problems  
10                  and we will do whatever it takes to reduce those  
11                  problems but then we have got to look at how do  
12                  you do that?

13                  Suppose we said we're changing  
14                  boundaries now? You can't do it just like that.  
15                  There are real considerations, given the law,  
16                  the statutes and the regulatory process that we  
17                  have to be concerned with and that's one reason  
18                  why I asked Michael Weiss, our Deputy, to come  
19                  out here because he is the most knowledge person  
20                  in America on this subject.

21                  MR. WEISS:           That's news!

22                  (Laughter). Yes, I am.

23                  MR. BASTA:           Again, you know, we

1 want to be sure you have the best sort of input  
2 about what we know and don't know many.

3 So, Michael is going to tell us a  
4 little bit about that and then I'll wrap this up  
5 quickly so that we can hear from you.

6 MR. WEISS: Well, I appreciate --  
7 I think I appreciate that.

8 No. Good afternoon. I'm going to talk  
9 about the nuts and bolts.

10 Dan has talked to you about what we've  
11 considered is what has to go into -- in terms of  
12 making a determination as to whether to change  
13 the boundary.

14 But, as Dan pointed out there, what  
15 happens? How do you actually effectuate the  
16 boundary change?

17 And I'll apologize up front, I'm a  
18 recovering attorney. So, I use a lot of  
19 legalese that all my colleagues say it's kosher,  
20 so I'll try (not) to do that for you.

21 Anyway, please, next slide. Next  
22 slide, please.

23 Well, I'm talking about what we're



1 calling programmatic consideration, whether the  
2 legal procedural administrative requirements  
3 necessary to modify both boundaries.

4 Because if we chose to change it, we  
5 are talking about two things for the boundaries  
6 and we have to go through the process to change  
7 each one of them.

8 The four key programmatic  
9 considerations are what you see up there:

10 Changing the terms of designation,  
11 changing regulation to management plan;  
12 statutory consideration, we have a unique one  
13 pertaining to Monterey and then what are the  
14 costs of doing all that as well as what other  
15 administrative costs do we have?

16 Next slide, please?

17 Start with terms of designation.  
18 "Sanctuary boundary" is a term of designation as  
19 defined in the National Marine Sanctuaries Act  
20 and the National Marine Sanctuaries Act is very  
21 specific that you can only change a term of  
22 designation by following a very strict and  
23 rigorous procedural requirements laid out in the

1 Act and some examples of some of the things we  
2 have to look at are on the next slide.

3 There are rigorous determinations and  
4 findings and we have to conduct consultation  
5 with Congress, with federal agencies, state  
6 agencies, local folks and interested parties.

7 We have to prepare appropriate  
8 designation documents, the Environmental Impact  
9 statements, draft management plan, proposed  
10 regulations that'll apply to this new area, if  
11 you will.

12 Noticing comment, we have to hold at  
13 least one public hearing and then, formally, we  
14 have to present these proposed designation  
15 documents here; a change in terms of designation  
16 document, if you will, to Congress and the  
17 Governor of the State of California.

18 And by our law, we have a forty-five  
19 day continuous session of Congress review period  
20 which isn't forty-five days, per se, because  
21 that clock stops every time Congress takes a  
22 break of more than three days and, if they end a  
23 term, then the clock starts over.

1                   So that dependent on where the timing  
2                   is in the process, that forty-five day period  
3                   can take quite a long time and there are  
4                   actually two on the statute.

5                   One at the proposed phase when we  
6                   decide we want to send this out for public  
7                   comment and send this proposed change to  
8                   Congress, that's one and then, when we actually  
9                   make a final determination to go out with the  
10                  final change, well, that change does not become  
11                  effective until an additional forty-five day  
12                  continuous session of Congress review period  
13                  and, again, depending upon where that falls out,  
14                  that can that a lot longer than forty-five days.

15                  Next slide, please.

16                  The other significant considerations  
17                  are the regulation in the management lines.

18                  Right now, we have a suite of existing  
19                  regulations that apply to the Gulf of the  
20                  Farallones Sanctuary and then apply to the  
21                  Monterey Bay Sanctuary and, in addition to that  
22                  as you all well know, we all have all of the  
23                  priority issues that came up in the joint

1 management plan review process and issues that  
2 are being looked at for potential regulatory  
3 changes and the Monterey issues that are being  
4 look at for potential regulatory changes in the  
5 existing Gulf of Farallones Sanctuary and then  
6 some cross-cutting issues that apply to both and  
7 even some that apply to the Cordell Sanctuary.

8 So, what we have to do if we decide to  
9 change the boundary, regardless of where it  
10 moves if it is changed, we have to look at that  
11 whole suite of that population, of about five  
12 populations of regulations and decide, well,  
13 what's going to apply in this entire new  
14 sanctuary, if you will?

15 Because it really is an entire new  
16 sanctuary because they're extending the boundary  
17 and we'd like to see uniform regulations  
18 throughout the entire Gulf of the Farallones as  
19 extended as opposed to having what some people  
20 raise as a concern and you had these two sets of  
21 regulations of this particular boundary.

22 So, we have to take that assessment,  
23 take everything in the mix and then determine

1        what is our appropriate regulatory mix of ...  
2        what's the appropriate mix of regulations for  
3        that Gulf of Farallones as expanded and that --  
4        we have not done that analysis.

5                We've done the analysis and the joint  
6        management plan review of the individual  
7        sanctuaries as they exist now in terms of  
8        priority issues and regulations, et cetera.

9                We have not kind of said, okay. The  
10       Gulf of the Farallones Sanctuary is an oil and  
11       gas ban. Monterey Bay Sanctuary is a ban on  
12       oil, gas, and mineral exploration.

13               What do you do with that mineral piece?  
14       Do you keep it? Do you apply or do you change  
15       the Gulf of the Farallones regulation to have a  
16       mineral ban as well? Those types of  
17       considerations.

18               Is there a motorized personal  
19       watercraft ban throughout the Gulf of the  
20       Farallones?

21               Monterey Bay bans it throughout except  
22       for four operating zones. I think one of those  
23       operating zones is in the area that might be

1       considered for a change in the boundary.  What  
2       do you do with that?

3               All these types of considerations  
4       require additional analysis by us, additional  
5       need for review for those who are familiar with  
6       that environmental analysis, and then a cost  
7       analysis and how to implement that.

8               So, that's probably the most  
9       significant analysis that we need to do.  The  
10      other one, of course, is and what you're all  
11      familiar with; certainly, the advisory Council  
12      members, the action plan.

13              There are 42 action plans being looked  
14      at for the three sanctuaries in the joint  
15      management plan review, thirty-plus for just the  
16      two sanctuaries:  Monterey Bay and the Gulf of  
17      the Farallones and some of those you're going to  
18      have to re-visit and take a look.

19              All right.  Well, some of these action  
20      plans might -- how we are going do it if we  
21      change the Gulf of the Farallones Sanctuary?  
22      What are we going to change in this action  
23      plan?

1                   Again, that type of assessment is  
2                   something we have yet to do until a decision is  
3                   made as to what to do about this boundary and  
4                   then, of course, you know, like any lawyer, we  
5                   have to throw that last requirement.

6                   You have to follow these sanctuaries  
7                   and that National Environmental Policy Act and  
8                   the Administrative Procedure Act, notice and  
9                   comment rulemaking.

10                  Everything we do is a public process  
11                  under all three of those laws and we would  
12                  continue what we are doing now with the public  
13                  process.

14                  Next slide, please?

15                  Now, we have kind of a unique  
16                  consideration with the Montgomery Sanctuary.

17                  In addition to the regulations that  
18                  apply to each of the two sanctuaries, Congress  
19                  in 1992 did do two things pertaining to the  
20                  Monterey Bay Sanctuary, principally, two things.

21                  One is it actually established the  
22                  effective date of that sanctuary.

23                  We were going through the designation

1 process. We were going through that  
2 forty-five-day review period at the end of which  
3 the Sanctuary would have been designated that it  
4 would have been effective.

5 Congress stepped in and said, well,  
6 despite that forty-five day review process, it's  
7 effective in September of 1992 and the other  
8 thing it did was it put in law a statutory ban  
9 against oil and gas leasing exploration,  
10 development and production.

11 So, we had that meeting. What happens  
12 to that particular legal -- that law, again,  
13 different from a regulation.

14 What happens to that law if we had  
15 changed the boundary?

16 We concluded that we could  
17 administratively change the boundary. What do I  
18 mean by that?

19 We don't need another law to change the  
20 boundary. We can go through the process by  
21 which I described earlier, changing a term of  
22 designation which is a regular procedural  
23 process and Congress is involved. We could



1 provide those documents to Congress and we can  
2 change the Monterey boundary.

3 The question is what happens with the  
4 oil and gas ban? And I've talked to a few  
5 attorneys on this and NOAA and there are various  
6 interpretations, based on the language of the  
7 statute and that's typical for lawyers to  
8 answer.

9 What happens? There are really two  
10 scenarios. One is that the statutory ban which  
11 applies to the Monterey boundary, if you take  
12 the Monterey boundary this way, the statutory  
13 ban goes with it. So, it's reduced.

14 The other is that because it was  
15 intended to apply to the Monterey Bay Sanctuary,  
16 it looked like in 1992, well, that ban,  
17 regardless, of where the boundary moves stays  
18 the same.

19 So, those are kind of the two principal  
20 interpretations and what we need to do, sort of  
21 decision to be made to move the boundaries is  
22 we've got to work with not only NOAA attorneys  
23 but Department of Commerce attorneys and,

1 ultimately, other folks in terms of determining,  
2 well, what's the best course of action to make  
3 sure that resource protection which is our  
4 number one goal here is not undermined in any  
5 way.

6 Is it enough that, you know, if the  
7 boundary is moved, you have the regulatory  
8 protections in place?

9 That's fine. If the statutory  
10 protection shrinks or do we want to send them  
11 legislation which will require going not only  
12 through the Department of Congress but through  
13 the administration?

14 Would we want to send legislation to  
15 clarify that that statutory ban as it stood in  
16 1992 and stands today will stay in place,  
17 despite what happens to that boundary?

18 So, that's a further analysis that we  
19 have today and, if we do legislation and if we  
20 prepare legislation and we draft it, we send it  
21 through Congress, assuming it gets cleared by  
22 the Department of Congress, it goes through the  
23 Office of the Management Budget which is the

1 administration and, if they approve it, then it  
2 gets sent to Congress as an administration bill  
3 and then once it gets to Congress, we have no  
4 more control over the Sanctuary.

5 Congress will either take it as it is,  
6 make modifications to it or not do anything and  
7 that's anybody's guess.

8 So, we have to evaluate all the  
9 parameters of which, you know, if we change the  
10 boundary with this kind of unique consideration,  
11 what are we going to do about it?

12 And, again, our primary concern is  
13 making sure that research protection is not  
14 undermined and we are not backing away from  
15 that.

16 Next slide, please?

17 All these steps have costs, as  
18 everybody gathers, and what we've done and this  
19 is in a range and this is an approximate cost.

20 So, let me qualify that up front and  
21 that the procedural aspects of what I just  
22 talked about and most of the costs that we  
23 figured out comes, essentially, from this

1 regulatory analysis and looking at the action  
2 plan in the context of something that looks  
3 different than what you see on these two maps.

4 So, with that, we determined there's a  
5 range and, again, these are estimates of an  
6 additional \$120,000 and 2900 hours of staff time  
7 and most of that one hundred to \$120,000 is  
8 mostly contractor time to update our NEPA  
9 documents, do this regulatory analysis and  
10 environmental, you know, analysis, building the  
11 administrative record for changing these  
12 regulations.

13 The other piece of it is just a  
14 practical piece to implement these changes, the  
15 administrative piece, we call it, which is  
16 changing things such as signage, exhibits,  
17 education outreaching from a brochure to  
18 something that our partners do, you know? A big  
19 map or something like that, obviously, cost  
20 money and, again, the range and these are  
21 estimates of 230,000, \$250,000 in staff time,  
22 you see there, and that's kind of what we've  
23 guesstimated.

1                   Now, one of the factors that we have  
2                   considered here is that there are really two  
3                   scenarios we can go under that change these  
4                   costs, significantly.

5                   One is that if we change the boundary,  
6                   we roll it into the JMPR process, the Joint  
7                   Management Plan Review process, and that's the  
8                   way we would to do it if we go that way because  
9                   that's much more efficient for our doing much of  
10                  this work?

11                  These costs were look at in that  
12                  context. So, if we decided to pull this out and  
13                  say, well, let's do a completely separate  
14                  process to change the boundaries, those costs  
15                  would go up.

16                  That's not what we're considering if we  
17                  change the boundary because that's not efficient  
18                  and then, of course, our partners.

19                  We have fifty to seventy-five partners  
20                  around the country that have materials that  
21                  pertain to this particular region.

22                  They would have to over time at some  
23                  point update their material here, principally,

1 signage, exhibits, and things like that and we  
2 estimate again, I mean, it's obviously a pretty  
3 wide range. So, you know, that could be some of  
4 the costs that are indirect to NOAA, if you  
5 will.

6 So, total staff time, total process  
7 time. You know, we're in the Joint Management  
8 Plan Review process.

9 As you can see, we have about eighteen  
10 months left of that process. So, this expert  
11 work that we would need to do to incorporate a  
12 boundary change, we estimate it would, you know,  
13 consider it'll be six months or at the really  
14 outset of one year or more on top of what we  
15 already are doing but it's work that we would  
16 need to do to build a record to make that  
17 change.

18 And, so, that in a nut shell, a quick  
19 nut shell, are the steps that we would have to  
20 take, some of the costs that we would have to  
21 incur if a decision is made to change the  
22 boundary and that's just the practical  
23 considerations that, frankly, Dan has to

1 consider and, with that, I'll turn it back to  
2 him and we'll move on to hear what we've heard  
3 from you.

4 MR. BASTA: Thanks, Michael. You  
5 left out one part of your talk.

6 MR. WEISS: Which was?

7 MR. BASTA: What's the difference  
8 between a statutory ban and a regulatory  
9 process.

10 MR. WEISS: Oh, no. I didn't.

11 MR. BASTA: Did he say that?

12 A statutory is a stronger protection  
13 because only Congress can change that.

14 In other words, it's a regulatory  
15 process and that can be changed  
16 administratively.

17 So, it's just a stronger means or  
18 protection but both are means of protection.

19 I guess in '92, Congress was seen a  
20 certain way. Who was President in '92, let me  
21 guess? And they were able to get a statutory  
22 ban on oil and gas because I think they felt  
23 they needed that.

1                   Do you think we have that in three  
2                   sanctuaries, Michael?

3                   MR. WEISS:           I think that's  
4                   correct.

5                   MR. BASTA:           Okay.

6                   Next slide, please?

7                   Now, I want to sort of wrap up our sort  
8                   of dump to you to bring you up to kind of  
9                   knowledge about where we are on this, what we  
10                  think we have heard from our assessment team,  
11                  what we have heard from the SACs and the public  
12                  a little bit so that if we didn't hear  
13                  something, you had better tell us it when you  
14                  get a chance to come up here and tell us about  
15                  stuff.

16                  So, next slide, please?

17                  I briefly went over what we call the  
18                  "findings statements". That all that data stuff  
19                  in those very simple fifteen or twenty words  
20                  statement about what we've felt we learned.

21                  There is a lot more we learned or you  
22                  can learn but, in a presentation like this, I  
23                  think the point is if you can take away a



1 message and you put all the little pieces  
2 together but, again, those are things that you  
3 may look at and evaluate for yourself with  
4 access to the data.

5           They did do an analysis and this is  
6 where a part of that Phase One or Phase Two  
7 confusion occurred and they looked at this and I  
8 think they worked for about twelve or fourteen  
9 hours straight, trying to analyze various  
10 boundary things in their minds eye with the data  
11 and a systematic process and they did make one  
12 recommendation.

13           That was to be a provocative one for  
14 SACs to now use that to work against -- in  
15 thinking about what they had thought about it  
16 and what they had come up with was the internal  
17 working group had recommended from their  
18 perspective that the Marin County Panhandle area  
19 that is north of the map of the Bay that is  
20 officially in '92 Monterey Bay Sanctuary might  
21 make better sense to connect directly both to  
22 the Farallones because of its proximity, the  
23 ownership question of the people in Marin

1 County, you know?

2 And I've been there along the beach  
3 with the beach watch folks and, honestly, as a  
4 citizen, I see their point of view.

5 MR. WILSON: Could you point out  
6 the Panhandle?

7 MR. BASTA: Right over here  
8 (indicating).

9 So, that was one thing that they  
10 wrestled with and they really didn't come up  
11 with some biogeographic reason for doing that.

12 They looked at the socioeconomics the  
13 ownership things and they concluded in their  
14 mind's eye that that would be something they  
15 would be supportive of when they did their  
16 analysis. So, I've heard that.

17 Next slide, please?

18 We have got some recommendation from  
19 the Gulf of the Farallones Advisory Council.

20 They really took concern about the  
21 validity of the report. They felt there was a  
22 lack of public input. That's why we are here  
23 today as well, to get more public input and the

1       appropriateness of the process and I think this  
2       -- I'm not sure and they can speak for  
3       themselves perhaps latter if that was the Phase  
4       One, Phase Two disconnect I'd say occurred or  
5       some analytical part of the process. I think  
6       it's former.

7               And they think that the best thing to  
8       do at that time and they may decide that still  
9       or not was to try and taking the boundary JMA,  
10      Joint Management Area, out of the JMPR process  
11      and do it separately and, as you heard from  
12      Michael, there are some real costs to doing that  
13      and, in fact, if you do that and create another  
14      process, we delay this longer and longer and  
15      longer.

16             Personally, I don't want to delay this  
17      longer and longer and longer. I need to get  
18      your best ideas.

19             Monterey Bay Council had a slightly  
20      different perspective on this.

21             They accepted the findings as the  
22      literate but they are not that keen on moving  
23      the boundary at this time and I will speak for

1           them a little bit and they will have to correct  
2           me when they speak but I think they're really  
3           concerned about that statutory thing that  
4           Michael mentioned.

5                     I think that's between the lines of,  
6           you know, "we don't trust the government" and  
7           "we have a strong thing and you never know what  
8           happens when Congress gets their hands on  
9           stuff".

10                    I think that's what I got a sense of.  
11           Maybe I shouldn't say that but I think that's  
12           just the reality and we need to be open about it  
13           and you can see in the last bullet that's why  
14           they made that request.

15                    They wanted to know, A, is there really  
16           a need for this to go to Congress for action?

17                    I think they asked that because of what  
18           I just said, concern about vesting their  
19           protection if Congress gets their hands on it.  
20           I don't know.

21                    Next slide?

22                    So, where do we go from here in this  
23           very quick presentation to you about how we got

1 to here?

2 This workshop now is for, really, you  
3 to talk to us and for the direct participants to  
4 give you more substantive commentary on some of  
5 the issues.

6 Those five questions, the panel will go  
7 over and then for you to also question them.

8 We would like final written comments by  
9 the 5th. I think we are not going to going to  
10 make any decision until the end of January on  
11 this and we have thirty days of additional Phase  
12 Two for people to get us your comments, look at  
13 some of those data if you think there are some  
14 analytical outcomes that support the petition.

15 But my plan and I think this has been a  
16 decisive issue here, personally. I don't think  
17 it has been healthy for the community and  
18 certainly not healthy for our program.

19 It has been lingering since the mid  
20 '90s and I want to end this issue and make a  
21 decision which, frankly, we are in almost a  
22 lose/lose situation here. That's the position I  
23 feel in right now.

1           Consider we don't change the boundary  
2           at all. One community is, therefore, very upset  
3           that they were not heard and they don't like it  
4           and their Congressionals don't like it.

5           This community over here feels okay  
6           about it. So, that's a lose.

7           We change the boundary. That community  
8           is very happy about it; this community is not so  
9           happy about it. It's a lose.

10          This is the position which, frankly, is  
11          a bad position for any government entity to be  
12          into, be it federal, state or county because  
13          it's a squabble which is a lose/lose.

14          So, we have to ask ourselves -- your  
15          have to ask yourselves: "What are we trying to  
16          do? What is the problem that we are trying to  
17          resolve?"

18          "Are we trying to protect the  
19          resource?" "What are we trying to do?"

20          But my view of this is and you can call  
21          me the bad guy, I want to make a decision by end  
22          of January. I have been in the job now what?  
23          That will be four? Three years in January, and

1 I gave myself two or three years to resolve this  
2 problem.

3 So, that's what I would like to do,  
4 what I need you -- we need you to be as honest  
5 and candid as you can be.

6 We have tough skin, don't worry about  
7 it regarding your perceptions on this scenarios.

8 So, with that, I think we're ahead of  
9 schedule, right?

10 VOICE: We are.

11 MR. BASTA: Do you know why we're  
12 ahead of schedule? Because you gave me the  
13 timing in reverse (laughter).

14 MR. WILSON: Nice job!

15 MR. BASTA: I thought she was  
16 going to give me ten minutes, twenty minutes or  
17 thirty minutes, that way.

18 No. She starts with forty, thirty,  
19 twenty. So, I'm looking at this thinking, whoa!  
20 I'm talking too much here and the fact of the  
21 matter is -- so, we are right on time.

22 MR. WILSON: It was a good  
23 response (Laughter).

1                   MR. BASTA:            So, I would like to  
2                   start the public comment period.

3                   MS. BARROW:           Well, what I would  
4                   like to do is take a short break.

5                   Give everyone a chance to stretch your  
6                   legs. The hotel is kind enough in providing  
7                   coffee and tea right out here.

8                   We need to get set up for the public  
9                   comment period. So, if people could take no  
10                  more than ten minutes and we'll herd you back  
11                  in, we will get started.

12                                       [RECESS]

13                  Ladies and gentlemen, again, I want to  
14                  remind the Sanctuary and Advisory Council  
15                  members we have seats for you in the first three  
16                  rows.

17                  Okay. A couple of announcements.  
18                  First of all, the presentation that you saw in  
19                  the first part of this afternoon's meeting will  
20                  be on the Joint Management Plan Review website  
21                  they promised me by Monday.

22                  So, if you want to take a look at that  
23                  in more detail, it will be up on the website and



1 the website address is on that blue and white  
2 folder that talks about the Joint Management  
3 Plan Review out in the lobby.

4 Secondly, the way we are going operate  
5 this is Michael has the speaker's cards and he  
6 is going to, in general, call three people up at  
7 a time.

8 If you would que up along here to make  
9 your comments so that we can kind of keep  
10 everything flowing, that will be very helpful to  
11 us.

12 We are going to ask you to limit your  
13 comments to two minutes each. Jan will keep  
14 time over here and it has a nice gentle little  
15 beep-beep-beep.

16 VOICE IN AUDIENCE: So that's what  
17 that is for!

18 MS. BARROW: To let he now that  
19 your time you up and we will ask you to sit down  
20 at that point.

21 And, again, to remind you if someone  
22 before you has already made your comment, if you  
23 would state your name for the record and say

1       that your comment has already been presented and  
2       just in as few words as possible say "I support  
3       or "I oppose XYZ" so that we can give as many  
4       folks the opportunity as possible.

5               Anything else?

6               MR. CHARDER:       Julie, could you just  
7       explain, too, what happens after that especially  
8       with regard to the SAC members who may have  
9       comments and how that will worked with that?

10              MS. BARROW:       Great.

11              The Sanctuary Advisory Council members  
12       themselves in the portion after the public  
13       comment, there is wherever the agenda went, it  
14       says Sanctuary Council discussion I think from  
15       5:30 to 6:30 or whenever the public comment is  
16       over.

17              Sanctuary Advisory Council members will  
18       at that time have the opportunity to have a  
19       dialogue with Dan, Michael, and several others  
20       who will be sitting up here.

21              Part of that period will be a little  
22       structured in terms of some questions that were  
23       submitted by the Sanctuary Advisory Council and

1       then part of it will be kind of a free flow  
2       between the Council members and the panel and  
3       that's part of why we have asked that the  
4       Council members sit in the first three rows.

5               And then, after that, if the two  
6       Councils one or the other decide that they would  
7       like to convene to deliberate, we have separate  
8       rooms available so that each Council has a room  
9       and we will announce -- the Gulf of the  
10      Farallones has suggested and I think it makes  
11      sense that they meet in here. The Monterey  
12      Council we have second room should you want to  
13      convene over there.

14             All right?

15             MR. WEISS:       All right.

16             MS. BARROW:       And, with that, I'm  
17      going to turn it over to you.

18             MR. WEISS:       Let's begin.

19             I'm going to start with a few  
20      representatives of elected officials. I will  
21      begin there.

22             First off, it's Tom Roth,  
23      Representative, representing Lynn Woolsey.

1                   MR. WILSON:       You were going to read  
2       three in a row.

3                   MR. WEISS:       Well, I'll do this.  
4       I'm just going to do the one and then I'll go on  
5       and do three.

6                   MR. ROTH:       Thank you very much.

7                   I have some testimony from  
8       Congresswoman Woolsey:

9                   "As a long time supporter of our  
10       national sanctuary system, I'm a proud  
11       to be a Congressional representative  
12       for Cordell Bank National Marine  
13       Sanctuary and the Gulf of the Farallones  
14       National Marine Sanctuary.

15                  "It's my pleasure to comment on the  
16       proposed realignment of the boundaries  
17       of the Gulf of the Farallones and the  
18       Monterey National Marine Sanctuaries.

19                  "I join with the Board of  
20       Supervisors of Marin County in the 6th  
21       Congressional District in supporting  
22       the proposed boundary change.

23                  "Currently, the Gulf of the

1 Farallones NMS jointly manages the San  
2 Mateo coast section of the Monterey Bay  
3 national marine section.

4 "That section of the Monterey Bay  
5 national marine sanctuary is  
6 politically, geographically and  
7 biologically closer to the Gulf of the  
8 Farallones NMS and these facts should  
9 be recognized by redrawing the boundary  
10 between the two sanctuaries, the San  
11 Mateo-Santa Cruz line (Ano Nuevo).

12 "In summary, there are three major  
13 reasons why the boundaries between the  
14 two sanctuaries should be justified.

15 "Political boundaries is one that I  
16 don't think is really... I don't think  
17 there is much controversy about that.

18 "The San Mateo County-Santa Cruz  
19 line (Ano Nuevo) serves as a political  
20 boundary.

21 "The federal, regional and  
22 government agencies, including such  
23 important players as EPA, the Coast

1 Guard, the California Department of  
2 Fish & Game and the Regional Water  
3 Quality Control Board include San Mateo  
4 County and the Bay Area region.

5 "Another important sanctuary  
6 partner, the Golden Gate National  
7 Recreational area, both shoreline line  
8 now and Marin-San Francisco, and San  
9 Mateo County.

10 "Oceanographic differences.

11 "The coastal waters between Point  
12 Reyes and Point -- Ano Nuevo form a  
13 distinct oceanographic unit.

14 "The Sacramento, San Joaquin Delta  
15 River systems and San Francisco Bay  
16 flow into these waters and Ano Nuevo  
17 serves as the southern limit for a  
18 number of species of fish as well as  
19 sea lines."

20 Can I continue?

21 "South of Ano Nuevo, the ocean floor  
22 drops into Monterey Canyon, the largest  
23 marine canyon in the contiguous United

1 States.

2 "Efficiency and management.

3 "Organizational relationships could  
4 be made more efficient by changing the  
5 boundaries.

6 "Fishermen from San Francisco Bay  
7 Area ports who really south of Ano Nuevo  
8 would benefit by clear working  
9 relationships with the Gulf of the  
10 Farallones National Marine Sanctuaries  
11 as would volunteer programs such as  
12 Beach Watch.

13 "Management issues, including  
14 fishing regulation and municipal  
15 discharges can be better addressed under  
16 a consolidated management.

17 "As a strong advocate of the  
18 prohibitionists against oil and gas  
19 exploration extraction on our Marine  
20 Sanctuaries, I would like to add that  
21 I'm not concerned about how a boundary  
22 adjustment may affect these protections.

23 "In answer to a question recently

1           raised about the boundary changes,  
2           theoretically, Congress could pass  
3           legislation that would eliminate oil  
4           and gas protection with one fell swoop  
5           whether it be derived from regulations  
6           for the National Marine Sanctuary Program  
7           and its units or for enabling legislation  
8           for the Montgomery Bay National Marine  
9           Sanctuary.

10                 "At the same time, Congress has the  
11           power to review all regulatory changes  
12           that would affect oil and gas production  
13           and if there were proposed changes  
14           resulting from the boundary adjustment,  
15           there would be action in Congress.

16                 "I must say that there was broad  
17           bipartisan Congressional commitment in  
18           California and other coastal states to  
19           retain the current prohibitions and  
20           that I can always be counted on to  
21           fight to protect all of our sanctuaries.

22                 "Please know that in calling for a  
23           boundary change, I do so recognize the



1           primary contributions that the Monterey  
2           Bay has and the Marine Sanctuary has made  
3           to the Marine preservation.

4                 "At the same time, I'm not  
5           suggesting a shift in the existing  
6           funding for the two sanctuaries nor any  
7           major changes in personnel.

8                 "I believe, however, that a boundary  
9           readjustment will have a positive result  
10          for both sanctuaries.

11                "Good ocean management depends not only  
12          on good management practices but also on the  
13          identification of the best manageable area.

14                "Sincerely, Lynn Woolsey, Member of  
15          Congress."

16                Thank you very much for giving me the  
17          extra time.

18                       MR. WEISS:           All right, thank you.

19                       Next up is Deborah Hirst, representing  
20          Richard Gordon, County Supervisor.

21                       MS. HIRST:           I thank you for coming  
22          here to San Mateo County. I have a letter from  
23          Supervisor Gordon. He was unable to come today.

1                   It is addressed to Secretary Evans:

2                   "San Mateo Board of Supervisors took  
3                   action on November 7th, 2000, to request  
4                   that the San Mateo County coast be placed  
5                   within the boundary of the Gulf of the  
6                   Farallones National Marine Sanctuary.

7                   "San Francisco and Marin County, San  
8                   Mateo County Harbor Commissioners and  
9                   constitutuent groups in San Mateo have  
10                  stated support for the boundary change.

11                  "Again, on January 29th, 2002, the  
12                  Board of Supervisors wrote to affirm this  
13                  request and to support the public process  
14                  for review of the master plans of Monterey  
15                  Bay and the Gulf of the Farallones  
16                  National Marine Sanctuaries.

17                  "My office received notice of the  
18                  National Marine Sanctuary Programs  
19                  December 4th Workshop on the boundary  
20                  issue less than two weeks before the  
21                  event was to occur.

22                  "A County staff member on the mailing  
23                  list for both sanctuaries failed to

1           receive notice of the meeting save for  
2           informal word of mouth.

3                 "While I recognize and appreciate  
4           the expense and effort on the part of the  
5           sanctuary program in convening the event,  
6           the lack of sufficient notice for a  
7           workshop held between the holidays  
8           leaves room to question the public process  
9           planned for this important and  
10          long-building issue.

11                "I understand this issue was excluded  
12          from consideration in the public cross  
13          credit issues work groups of the Joint  
14          Management Planning Review and was, instead,  
15          handled internally by sanctuary program  
16          staff.

17                "I understand that the draft report  
18          prepared by staff includes the  
19          recommendation that the boundary be shifted  
20          to Pedro Point and does not provide  
21          discussion of the geopolitical issues  
22          raised in the letters from the Board of  
23          Supervisors.

1           "The protection of our coast is among  
2           the highest priorities for the  
3           representatives in San Mateo County.

4           "I appreciate the public process used  
5           for the majority of issues in the Joint  
6           Management Plan Review.

7           "However, I feel that the public  
8           process on the boundary change issue has  
9           been woefully lacking.

10          "It is my strong desire that the  
11          sanctuary program will create an adequate  
12          public process for full consideration of  
13          the issues relevant to the sanctuary  
14          boundaries off the coast of San Mateo  
15          County.

16          "Sincerely, Richard Gordon."

17          MR. WEISS:           Thank you.

18          Our next is Steve Shimick, representing  
19          Mardi Wormhoudt from the County of Santa Cruz.

20          MR. SHIMICK:        I don't work with  
21          Mardi or for Mardi. I'm just the messenger.

22          So, this letter is addressed to Daniel  
23          Basta, and it says:

1           "Dear Mr. Basta:

2           "I'm a Santa Cruz County Supervisor  
3           representing the north coast of Santa  
4           Cruz County.

5           "Prior to becoming a County  
6           Supervisor, I served as a member for a  
7           number of years on the Santa Cruz City  
8           Council for much of my career as an elected  
9           official.

10          "I opposed oil drilling off the  
11          California coast and strongly supported  
12          the establishment of the Monterey Bay  
13          National Marine Sanctuary.

14          "When the boundary for the sanctuary  
15          was initially determined, I appreciated  
16          the wisdom of the federal government in  
17          choosing an area that was logical and  
18          biologically integrated.

19          "I have recently learned that there  
20          is now a proposal to reduce the boundary  
21          of the Monterey Bay Sanctuary.

22          "This proposal does not seem  
23          justified to me and I urge to you oppose

1           it.

2                 "As I understand it, an exhaustive  
3           study has been done that analyzed data  
4           points, including natural biological  
5           divides, geological breaks, species  
6           variations, ocean current patterns, et  
7           cetera, to see if there was a scientific  
8           basis for making this change.

9                 "Of the one hundred eighty data  
10          points, one hundred seventy-two,  
11          ninety-six percent did not show any  
12          reason to make this change.

13                "While I have not been personally  
14          involved in the management planning  
15          process for the Monterey Bay National  
16          Marine Sanctuary, I have followed its  
17          progress with some interest in thinking  
18          it is important for it to reach  
19          completion as soon as possible.

20                "Consideration of a boundary change  
21          seems like an unnecessary diversion from  
22          the primary task before the sanctuary  
23          program.

1            "In conclusion then, while I will  
2            not be able to attend the December 4th,  
3            2003, public meeting on this issue, I  
4            would, again, urge you to leave the  
5            boundary of the Monterey Bay National Marine  
6            Sanctuary where it is.

7            "Thank you for your consideration."

8            MR. WEISS:            Thank you.

9            MR. SHIMICK:            Mardi Wormhoudt.

10           MR. WEISS:            Next up is Seth  
11           Fischer, representing Representative Anna  
12           Eshoo's office.

13           MR. FISCHER:           I am here on behalf  
14           of Congresswoman Anna Eshoo who has worked  
15           together on a letter with Congressman Sam Farr.

16           "We are writing to you regarding a  
17           possible change of the contiguous  
18           boundary of the Monterey Bay National  
19           Marine Sanctuary and Gulf of the Farallones  
20           National Marine Sanctuary.

21           "We understand that a boundary change  
22           is currently under consideration in the  
23           Joint Management Plan Review of the

1           contiguous sanctuaries along California's  
2           central coast.

3           "As long time supporters of the  
4           National Marine Sanctuary Program in  
5           general and of California's sanctuaries  
6           in particular, we would like to know what  
7           effect such a change will have on the  
8           federal prohibitions against offshore  
9           oil and gas drilling along California's  
10          central coast.

11          "As you know, both the MBNMS and the  
12          GFNMS currently enjoy bans on oil and gas  
13          leasing within their respective boundaries.

14          "However, we understand that Congress  
15          created the MBNMS ban through statute --  
16          well, we don't have to go through the  
17          statute but, in light of the different legal  
18          procedures required to change these  
19          respective bans, please advise us as to  
20          how administratively moving the boundary  
21          between the sanctuaries would affect the  
22          level of protection afforded against  
23          offshore oil and gas development for the



1 area of ocean moved between the two  
2 sanctuaries.

3 "We cannot overstate the importance  
4 of protecting this coastal region from  
5 offshore oil and gas development.

6 "The desire to protect California's  
7 central coast from offshore drilling was  
8 a major reason for the creation of the  
9 sanctuaries more than a decade ago.

10 "While local leaders and community  
11 members in San Mateo and Santa Cruz  
12 Counties have deferring views on whether  
13 the boundary should be moved, they  
14 universally support maintaining and even  
15 strengthening the current level of  
16 protection against offshore oil and gas  
17 development.

18 "We would fully welcome and  
19 support the extension of a statutory ban  
20 on offshore oil drilling to the Gulf of  
21 Farallones National Marines Sanctuary but,  
22 in the interim, we'd like to know what  
23 effect the boundary change would have on

1           the prohibition on oil and gas drilling."

2           And that's "Sincerely, Anna G. Eshoo  
3           and Sam Farr, Members of Congress" and we have  
4           copies of this letter. We will have them  
5           available out on the table.

6           MR. WEISS:           At the information  
7           table outside. Great. Thank you.

8           Allison Endert, representing Assembly  
9           Member John Laird's office.

10          MS. ENDERT:          Hi.

11          I'm Allison Endert and I'm here on  
12          behalf of visiting member for John Laird who is  
13          held up in Sacramento. So, he was unable to be  
14          here today but he asked me to come and read this  
15          letter on his behalf.

16          VOICE IN AUDIENCE:    Can you tell us  
17          what jurisdiction he covers?

18          MS. ENDERT:          He covers coastal  
19          Santa Cruz and Monterey Counties and the letter  
20          is addressed to Director Basta.

21          "I'm writing to go express my  
22          opposition to the possible change of the  
23          contiguous boundary of the Monterey

1           Ban National Marine Sanctuary and the  
2           Gulf of the Farallones National Marin  
3           Sanctuary.

4                 "For more than two decades, I have  
5           worked with the community to protect  
6           the priceless California coastline.

7                 "I was a member of the Santa Cruz  
8           City Council that voted to fund Save Our  
9           Shores in the early 1980s in order to  
10          build a state-wide, bipartisan strategy  
11          to oppose oil drilling on our coast.

12                "I advocated for the creation of the  
13          Monterey Bay National Marine Sanctuary  
14          and ever since the creation, I have worked  
15          in various ways to sustain the Sanctuary.

16                "It gives me great pleasure that the  
17          City of Santa Cruz has been chosen as the  
18          site for the Monterey Bay National Marine  
19          Sanctuary Visitors Center.

20                "The proposed boundary change concerns  
21          me for a number of reasons.

22                "I understand that an exhaustive study  
23          was conducted to evaluate the scientific

1 basis for changing the sanctuaries' boundary.

2 "Of the one hundred eighty different  
3 data points examined, reportedly eight (four  
4 percent of the one hundred eighty data  
5 points), arguably, suggest that there may be  
6 a reason for changing the boundary to Ano  
7 Nuevo.

8 "Even these eight data points were not  
9 definitive. The other one hundred  
10 seventy-two data points did not show any  
11 reasons to make the proposed boundary  
12 change.

13 "I'm very concerned that a boundary  
14 change could effect the level of  
15 protection against offshore oil and gas  
16 development for the area of the ocean  
17 over from the Monterey Bay National Marine  
18 Sanctuary to the Gulf of the Farallones  
19 National Marine Sanctuary.

20 "If it is determined that Congress  
21 must authorize the boundary change, I fear  
22 that the oil lobby might use the opportunity  
23 to open up to some of the currently closed

1 offshore zones on our coast to oil drilling.

2 "I cannot overemphasize how critical it  
3 is to protect the coastal region from  
4 offshore oil and gas development.

5 "There are also serious procedural  
6 reasons for maintaining the current  
7 boundary.

8 "There are several lengthy and  
9 expensive public processes that could  
10 be short-circuited by a boundary change.

11 "One such process is the Joint  
12 Management Plan Review.

13 "The Joint Management Plan Review  
14 has involved input from hundreds of  
15 citizens, more than two dozen working  
16 groups focusing on specific issue areas,  
17 and more than a year's worth of public  
18 hearing."

19 "The boundary question was not a  
20 significant concern raised during these  
21 hearings.

22 "Suspending the Joint Management Plan  
23 Review at this juncture would constitute a

1 waste of time, resources, credibility and  
2 momentum.

3 "In addition, an exhaustive Visitor's  
4 Center Feasibility Study with extensive  
5 public input was recently conducted.

6 "Moving the Sanctuary boundary would  
7 change the assumptions upon which that  
8 study was based.

9 "Based on these and other  
10 considerations, I believe a change in the  
11 boundary of these sanctuaries would be  
12 ill-advised.

13 "I encourage you as Director of the  
14 National Sanctuary Program as well as the  
15 Sanctuary Advisory Councils for the Gulf  
16 of the Farallones National Marine Sanctuary  
17 and the Monterey Bay National Marine  
18 Sanctuary to opposed any change to the  
19 contiguous boundary of the two Sanctuaries.

20 "Thank you for your consideration.  
21 Sincerely, John Laird, Assemblymember, 27th  
22 District."

23 MR. WEISS: Thank you.

1                   Next up is Scott Kennedy, the Mayor of  
2                   the City of Santa Cruz.

3                   MR. KENNEDY:           Mr. Basta, thank  
4                   you, sir.

5                   While Santa Cruz is not being Townhall  
6                   coordinated, so I'll abbreviate my comments in  
7                   light of the comments that have gone before.

8                   The City of Santa Cruz had been  
9                   consistent and steadfast in our support for  
10                  preservation and protection of the California  
11                  coast line.

12                  This support predates a vote in 1985  
13                  when Santa Cruz City voters backed a measure by  
14                  eighty-two percent banning offshore oil  
15                  drilling.

16                  Santa Cruz voters also approved hiring  
17                  someone to organize other governments on the  
18                  coast against oil drilling.

19                  Save Our Shores was begun with a paid  
20                  staff partially funded by Santa Cruz in June of  
21                  '85 as a key component of building a bipartisan  
22                  Congressional coalition to oppose offshore oil  
23                  drilling on the California coast.

1           The City continues to I believe support  
2           creation of and sustaining the Monterey Bay  
3           Sanctuary and shares great excitement of being  
4           chosen as a site for the visitor's center.

5           Governmental agencies and jurisdictions  
6           from the local to the national level are  
7           currently facing serious credibility problems,  
8           enormous financial challenges and serious fiscal  
9           constraints.

10          The proposed change in the National  
11          Marine Sanctuary boundary seems particularly  
12          ill-timed and imprudent.

13          Such a change would cast serious doubt  
14          about the integrity of several public processes  
15          that are over or near their end in which the  
16          public has invested tremendous time, energy,  
17          resources and confidence.

18          They have already been mentioned by  
19          previous speakers: The study about the  
20          scientific basis for changing the boundary; the  
21          fact that only eight of the one hundred eighty  
22          points, arguably, suggested there may be a  
23          reason to change the boundary and even those



1       eight data points were not definitive.

2               The fact that the Joint Management Plan  
3       Review has involved such extensive input from  
4       the public, suspending it at this point would  
5       constitute a waste of time, resources,  
6       credibility and momentum when the National  
7       Marine Sanctuary can ill afford such a loss.

8               And finally, of course, of particular  
9       concern to us is the exhaustive Visitor Center  
10      Feasibility Study and the extensive public input  
11      that has gone into it.

12              Moving the Sanctuaries' boundary now  
13      may well change the assumptions upon which that  
14      study was based and also raise general public  
15      questions about the stewardship of the  
16      Sanctuaries' scarce resources, time, and public  
17      confidence.

18              Therefore, there is no substantive  
19      basis for moving the boundary. There are  
20      serious procedural issues about making such a  
21      change in terms of circumventing several  
22      lengthening and expensive public processes.

23              Based on these and other  
                STAR REPORTING SERVICE, INC.  
                (415) 348-0050/FAX (415) 348-0077

1       considerations, we believe a significant change  
2       in the boundary of the Sanctuaries would  
3       undermine the good will which the National  
4       Marine Sanctuary enjoys on the central and north  
5       coast of California.

6               We, therefore, raise our support for  
7       maintaining the existing boundary. Thank you  
8       very much.

9               MR. WEISS:           Thank you.

10              I'm going to shift gears and I'm going  
11      to call three names, the first person who is up  
12      to speak and then the next two will be the  
13      followers so that you know that you are soon to  
14      follow.

15              Bucky Mace, followed by April Vargas,  
16      followed by Roberta Borgonovo and I apologize if  
17      I mispronounce anybody's name.

18              MR. MACE:        Thank you. My name is  
19      Bucky Mace. I live in Bolinas. I'm hear as a  
20      private citizen representing myself.

21              I have heard a great deal today about  
22      problems and opportunities and I think it's very  
23      fortunate to have an opportunity to set the

1 world right.

2 That doesn't come to any of us very  
3 often and, if my understanding is correct that  
4 the California Department of Fish & Game, a  
5 number of people much more scientifically  
6 qualified than I in the fisheries and  
7 oceanographic areas are right and if the Point  
8 Conception to the point Ano Nuevo is, in fact, a  
9 logical ocean segment, it seems to me the only  
10 common sense and highly desirable to manage that  
11 segment with one set of ground rules and a  
12 consistent policy, I am as dedicated to the  
13 preservation of the coast as anyone I know and  
14 I'm certainly not in favor of oil and gas and I  
15 would encourage you to go to Congress and get  
16 them to strengthen the oil and gas restrictions  
17 north of the Montgomery Bay Marine Sanctuary.

18 I also think, personally, we need to do  
19 a lot about preserving and restoring our  
20 fisheries' populations and what I would like to  
21 see the Marine Sanctuary spend a little time  
22 looking at the way the bottom of the Sanctuaries  
23 are treated by trollers and thing like that

1       which I realize is not a public sensitive  
2       subject at all. (Laughter).

3               I am in favor of the boundary  
4       adjustment. Thank you very much.

5               MR. WEISS:     Thank you.

6               April Vargas, representing Committee  
7       for Green Foothills, followed by Roberta  
8       Borgonovo and Mike Osmond.

9               MS. VARGAS:     My name is April  
10       Vargas. I am a Montera resident and I am  
11       speaking on behalf of the Committee for Green  
12       Foothills.

13               We're a conservation organization that  
14       represents over thirteen hundred families in San  
15       Mateo and Santa Clara County.

16               CGF has been working to protect the San  
17       Mateo County coast for over forty-one years.

18               Our focus over the years has been both  
19       on land use planning decisions and protection of  
20       our coastal marine resources as well.

21               We joined thousands of other citizens  
22       and groups to ensure the establishment of both  
23       of the Sanctuaries and we know that there is

1        tremendous public support for protection of the  
2        marine environment off the coast of California.

3                We continue to strongly recommend that  
4        the boundaries between the two sanctuaries be  
5        moved from the current location in Marin County  
6        to Point Ano Nuevo near the San Mateo-Santa Cruz  
7        County line.

8                This change would make management of  
9        two sanctuaries more efficient and more logical.

10               Such a change would better serve the  
11       community of interest.

12               While San Mateo Peninsula and  
13       Montgomery may seem in close proximity when  
14       looking at a map of the region, they are  
15       actually a hundred miles and almost a two-hour  
16       drive apart.

17               Keeping the office in San Francisco  
18       will provide easier access to Sanctuary meetings  
19       and staff and will encourage active  
20       participation in hands-on stewardship in the  
21       Sanctuary.

22               During local emergency situations such  
23       as heaven forbid an oil spill, rescue and damage

1 control crews could more easily reach the coast  
2 side and more quickly if based in San Mateo --  
3 in San Francisco rather than Monterey.

4 I will just basically go over the  
5 points that the other speakers have made that  
6 San Mateo County supports the Ano Nuevo boundary  
7 line.

8 Other regional regulatory and planning  
9 agencies already recognize this boundary and we  
10 have heard many of them outlined.

11 There is recommendations and  
12 recognition by other agencies of the California  
13 Department Fish & Game and, finally, we also  
14 support the inclusion of the donut whole area  
15 off the coast of Pacifica which was originally  
16 omitted from the area because of determination  
17 of bad sewage treatment practices but, to their  
18 credit, the City has now brunted discharge  
19 problem.

20 So, the Committee would strongly -- is  
21 in favor of that area being invaded as well.

22 Thank you for the extra time.

23 MR. WEISS: Thank you very much.

1                   Robert Borgonovo from the Farallones  
2           Marine Sanctuary Association, followed by Mike  
3           Osmond and then Terrence Goslinen.

4                   MS. BORGONOVO:               I can see the  
5           report developed by the Join Marine Management  
6           Plan Review cross-cutting boundary team have a  
7           lot of effort put into it but we still have  
8           concerns.

9                   To be specific, we are on the record  
10          and continue to advocate the boundary of the  
11          Gulf of the Farallones National Marine Sanctuary  
12          extend south to Point Ano Nuevo at the San  
13          Mateo-Santa Cruz County line.

14                  We believe that since the Gulf of the  
15          Farallones Sanctuary currently co-manages that  
16          area, that this would really clarify the  
17          management structure and strengthen the  
18          management of that area.

19                  I won't go over the previous points  
20          that people have made.

21                  I think what is especially important to  
22          me as a citizen of San Francisco County is that  
23          people who live in Marin, people who live in San

1        Francisco and people who live in San Mateo look  
2        out and we look out towards the Farallones  
3        Islands.

4                It doesn't make any sense to have that  
5        be part of the Marine Bay, the Monterey Bay  
6        National Marine Sanctuary.

7                We are totally in support of the  
8        Sanctuary Program. We are totally in support of  
9        Monterey Bay National Marin Sanctuary and all  
10       that it has done but we are trying to develop  
11       stewards for this part of the ocean.

12               It's much easier to generate enthusiasm  
13       if you have access to decision-makers in your  
14       own backyard.

15               Even the point that the report has  
16       brought up, moving the boundary to San Pedro  
17       Point please the citizens of San Mateo County,  
18       again, reporting to two different groups of  
19       decision-makers.

20               I would go back and reiterate the four  
21       points made by the previous speaker, the fact  
22       that we believe and all of those concerns that  
23       you actually picked up in your report, the fact



1           that the boundary configuration does leave that  
2           area adjacent to San Francisco taken care of.

3                     The administrative concerns, the need  
4           for coordination with the other agencies but I  
5           want to just finish by saying that --

6                     VOICE:           Time!

7                     MS. BORGONOVO:           -- we are  
8           supporting the full funding of all of the  
9           Sanctuary programs and we will work to see that  
10          the boundary issue, if it is changed, has full  
11          support and I'm sure the good minds in this room  
12          today can make sure that the gas and oil  
13          restrictions apply to the Gulf of the Farallones  
14          National Marine Sanctuary and that the --

15                    MR. WEISS:           If you can wrap up.

16                    MS. BORGONOVO:           -- costs will  
17          be minimized. Thank you.

18                    MR. WEISS:           Thank you.

19                    Mike Osmond followed by Terrence  
20          Goslinen and Mary DeLong.

21                    MR. OSMOND:           I'm here to read a  
22          letter from Ellen Peary. She's a member of the  
23          Board of Supervisors for Santa Cruz.

1                   I won't read the whole letter, just the  
2           last two paragraphs:

3                   "Since integration by Congress  
4           eleven years ago, the Monterey Bay  
5           National Marine Sanctuary has also  
6           become planned to make strong working  
7           relationships among people committed  
8           to its protections and enhancement.

9                   "Even more important, trust has  
10          been built between diverse  
11          constituencies.

12                  "To move the boundary would not  
13          only cost money, it would also disrupt  
14          these relationships and that trust.

15                  "There is no justification to  
16          amputate a portion of this wholly  
17          productive and diverse human and marine  
18          sanctuary.

19                  "The Monterey Bay National Marine  
20          Sanctuary was established for the purpose  
21          of resource protection, research,  
22          education and public use of this  
23          nationally known treasure.

1                    "Turf wars have no place in our  
2                    Sanctuary. Please leave the boundaries  
3                    intact.

4                    "Very truly yours, Ellen Peary,  
5                    Supervisor, Santa Cruz. Thank you.

6                    MR. WEISS:            Thank you.

7                    Terrence Goslinen, representing the  
8                    California Academy of Sciences, followed by Mary  
9                    Delong and then Donald Ayooob.

10                   MR. GOSLINEN:        Good afternoon.

11                   I'm the provost and Chief Curator of  
12                   Marine Biology at the California Academy of  
13                   Sciences.

14                   I'm also have been a member of FMSA,  
15                   the Farallones Marine Sanctuary Association for  
16                   seven years.

17                   We have heard today a lot about alleged  
18                   exhaustive data points that have been put  
19                   forward, saying that there is no biogeographic  
20                   boundary between the northern portion of the  
21                   Gulf of the Farallones Marine Sanctuary and the  
22                   disputed area and the Monterey Bay Marine  
23                   Sanctuary.

1           I would like to dispute that.   First  
2       of all, by the data that was initially put up,  
3       the data were considered from fish, birds,  
4       marine mammals, plants and invertebrates and the  
5       overwhelming data that were presented were from  
6       widespread foliated species or species that have  
7       tremendous powers of migration.

8           Fish, birds and marine mammals are the  
9       most mobile.

10          It was stated that plants and  
11       invertebrates had limited data set. Eighty  
12       percent of the Marin biota in this region are  
13       plants and marine invertebrates.

14          These have been entirely overlooked.  
15       When I look at the groups of organisms that I  
16       study, in particular, deutabrank mollusks,  
17       twenty-three of the seventy species found in  
18       Monterey Bay are not found north of Ano Nuevo  
19       Point.

20          This is a pattern that exists in almost  
21       all near shore marine invertebrates and marine  
22       algae.

23          These data have been completely ignored

1       in this process and I feel that the exhaustive  
2       data sets are certainly not adequate purview of  
3       the available data. They are available in a  
4       contemporary publications and I think it's sadly  
5       lacking.

6               Secondly, the point that I want to make  
7       is that rarely do biogeographical and scientific  
8       data coincide with socioeconomic data.

9               In this case, we have a unique  
10       opportunity to establish along the recognized  
11       political boundary where the will of  
12       particularly the citizens of San Mateo is  
13       largely being ignored in this process and we  
14       have an opportunity to rectify that by moving  
15       the boundary south to Ano Nuevo Point.

16              Thank you.

17              MR. WEISS:           Thank you.

18              Mary DeLong, Friends of Fitzgerald,  
19       followed by Donald Ayooob and Rick Lohman.

20              MS. DELONG:        My name is Mary  
21       DeLong. I'm representing the Friends of  
22       Fitzgerald.

23              On November 18th, we passed resolutions

1 supporting the boundary change to Ano Nuevo.

2 It makes sense geographically. The  
3 offices of the GFNMS are closer to the marine  
4 serve than Monterey Bay.

5 It's fifty-minute drive to the  
6 outskirts of the Presidio, an over two-hour  
7 drive to Montgomery headquarters.

8 Since 1993, the Gulf of the Farallones  
9 has given Fitzgerald Marine Reserve a tremendous  
10 amount of support.

11 Its staff has responded to two oil  
12 spills in the reserve, each time arranging for  
13 clean up of oil and rescue of live oiled birds  
14 and dead sea birds.

15 In addition, they have also responded  
16 to boat wreck at the reserve in February of 1994  
17 that left hundreds of gallons of diesel fuel and  
18 hydraulic fluid on the reef.

19 They negotiated with the boat owner and  
20 arranged for removal of the wreck, cleaned up  
21 the toxic waste and then monitored the site for  
22 the next year.

23 The GFNMS has funded or helped fund the

1 high school student naturalist program at the  
2 Marine Reserve and this is a program at Half  
3 Moon Bay High School where seniors and juniors  
4 take marine science classes and, in the Spring,  
5 they take elementary school children on the  
6 walks of the tide pools.

7 This youth group has full support of  
8 the coast side residents, and it may be added  
9 that in 1995, the Monterey Bay National Marine  
10 Sanctuary refused to sponsor this worthwhile  
11 youth service running the program.

12 Other programs sponsored by the Gulf of  
13 the Farallones National Marine Sanctuary are the  
14 scientifically based beach watch seashore  
15 monitoring program at the Marine Reserve staff  
16 and volunteers fully participate in.

17 The GFNMS -- oops! Okay. Well, we  
18 fully support moving the boundary.

19 MR. WEISS: And remember, you can  
20 submit written comments up to January the 5.

21 Next is Donald Ayooob, a San Mateo  
22 resident, followed by Rick Lohman, followed by  
23 Jane Delay.

1 MR. AYOOB: Thank you.

2 I'm an appellate Attorney serving in  
3 the Executive Branch of the state government,  
4 here as a private citizen who lives half way  
5 between this room and the beach.

6 I've listened to the presentation about  
7 the legal aspects of softening the protections.

8 That seems to me to be the principal  
9 concern of people south of here, whether it is  
10 Santa Cruz or Monterey, and with due respect to  
11 Council and our slight disagreement over the  
12 language that I choose, I think it is purely  
13 illusory.

14 I do not believe that the statute would  
15 ever be interpreted in a way to lift the  
16 statutory ban off of that portion of the  
17 Monterey Sanctuary which would be adjusted and  
18 become part of a sanctuary, only with a separate  
19 title.

20 If it were to be changed, it would be  
21 challenged in the courts. It would go to the  
22 Northern District where we have a very favorable  
23 bench and it would go to the Ninth Circuit and,



1       by that time, we'll have a different  
2       administration even if the current federal  
3       administration is reelected (Laughter).

4               And it's insulating to go me as a  
5       resident of San Mateo County to hear people from  
6       Santa Cruz and Monterey say or imply, if not say  
7       directly, that we would not take every effort to  
8       protect our coast just as well if not, with all  
9       due respect, better than people two hundred  
10      miles to the south.

11             And I also want to say because of my  
12      experience in state government that the  
13      boundary, the appropriate boundary is the Santa  
14      Cruz and San Mateo line.

15             That aligns with state government. We  
16      have a governor who has pledged to support  
17      protection of our coast.

18             I expect that that would be the  
19      position of not just our government but the  
20      Attorney General and, if our local feds won't do  
21      it, we will go to town and sue on behalf of San  
22      Mateo County.

23             The last point I want to make is about

1           serving the constituents of this community and,  
2           if I may?

3                   MR. WEISS:           Wrap up.

4                   MR. AYOOB:           This two sentences,  
5           yes.

6                   When the SACs had their meeting to  
7           discuss this precise point, the Gulf of the  
8           Farallones meeting was held in Marin.

9                   Most of the people who live in this  
10          community of Half Moon Bay work in the San  
11          Francisco Bay Area, live in the San Francisco  
12          Bay Area.

13                  I was able to attend that meeting and  
14          speak, if you will, preach to the choir.

15                  When the Monterey Sanctuary held their  
16          meeting on the same issue, it was held in Santa  
17          Cruz, over two hours distant from where I work  
18          and over an hour distance from where I live.

19                  And that's about responsiveness of the  
20          constituents of the federal government who live  
21          in San Mateo County. That's why the boundary  
22          should be changed.

23                  Thank you.

1 MR. WEISS: Thank you.

2 Ric Lohman, Save Our Shores, followed  
3 by Jane Delay and Christine Powell.

4 MR. LOHMAN: Good evening,  
5 everybody. Welcome to Half Moon Bay.

6 I love this location because it's,  
7 like, a couple of blocks away from my house.  
8 So, hold all your meetings right here.

9 Save Our Shores has been around for  
10 twenty-five years as has been mentioned earlier.  
11 We were either the first or one of the first  
12 organizations to begin the battle against oil  
13 development out here on the coast.

14 We have had a small presence up here in  
15 Half Moon Bay for many years.

16 About three years ago, we formed the  
17 Northern Advisory Council. We now have about  
18 ten to twelve people up here.

19 We started in a little garage locally  
20 here and now we're over in El Granada right  
21 across from the post office. So, come over and  
22 visit us over there.

23 We have had members serving on both

1       SACs. So, we have been following all the issues  
2       here for many years.

3               Our comments would probably closely  
4       follow those of the joint letter that was read  
5       earlier here from Eschoo and Farr. So, I won't  
6       repeat all of those.

7               It's basically just a very very very  
8       strong concern about the process. If it opens  
9       up, will it release the issue to start the whole  
10      oil development process all over again?

11              So, we would like to see assured up  
12      front that no change would ever occur, not open  
13      the process up, cross our fingers that we can  
14      somehow sue later and, you know, get all the  
15      cattle back in after they've been released.

16              So, our main concern is finding out up  
17      front in the process that there no concern about  
18      changing the oil development and all that sort  
19      of thing.

20              So, if that can be assured, we'd feel a  
21      lot better. Thank you.

22              MR. WEISS:        Thank you.

23              Jane Delay, Save Our Shores, followed

1 by Christine Powell and Keith Mangold.

2 MS. DELAY: That's me, okay.

3 Thank you and thank you for having this  
4 public process hearing. I appreciate it.

5 I'm Jane Delay and I'm Director of  
6 Policy for Save Our Shores.

7 I won't reiterate what Ric just said  
8 about our policy, but I want to -- I guess I do  
9 want to say that like all of you, we advocate  
10 for the maximum protection possible of the  
11 coastal ocean resources right off of our  
12 California coast.

13 And this boundary change has serious  
14 concerns because the political threats, high  
15 level political threats and the interest in the  
16 offshore oil leases are true.

17 In fact, in my drive to Half Moon Bay  
18 this afternoon, I was listening to Public Radio  
19 International and Terry Shore from Fresh Air was  
20 interviewing Charlie Koon who is the Senior  
21 Analyst on Energy and the Environment for the  
22 Heritage Foundation.

23 And Dr. Koon was openly critical of the

1 environmental alarmists, she referred to them,  
2 forestalling the energy bill in the Senate  
3 because she felt there was so many -- there was  
4 such importance in this energy bill specifically  
5 to open up all of our domestic oil and natural  
6 gas resources, including the offshore oil leases  
7 and natural gases.

8 And she went on to say and describe the  
9 ANWLF, the Active National Wild Life Refuge,  
10 that it should be completely opened up because  
11 this, "two thousand acres of barren waste land  
12 would provide another thirty-five years of  
13 natural gas and oil resources for the United  
14 States.

15 So, the threat is real. It's coming  
16 from multiple funds.

17 I feel that this is not the best time  
18 for us to allow our sanctuary resources to be  
19 vulnerable to these interests and so now is the  
20 time that we should be taking our resources, our  
21 energy, our collective talents, the entire  
22 arsenal that we have together to provide the  
23 maximum protection possible for the coastal

1 ocean resource that is we enjoy all of our  
2 coasts.

3 Thank you.

4 MR. WEISS: Thank you.

5 Christine Powell from the National Park  
6 Service, followed by Keith Mangold and then Mike  
7 Eduoff.

8 MS. POWELL: Thank you.

9 I would like to start by giving the  
10 condolences of Superintendent Brian O'Neal who  
11 could not be here today.

12 Unfortunately, he had a Congressional  
13 visit he had to take care of but he wanted me to  
14 extend a thank you to you, Mr. Basta, for coming  
15 out here to take care of this important issue.

16 I would like to now read a statement  
17 from the National Park Service:

18 "Thank you for taking the opportunity  
19 to allow us to submit this statement of  
20 record on behalf of the National Park  
21 Service regarding the boundaries of the  
22 Gulf of the Farallones National Marine  
23 Sanctuary and Monterey Bay National

1 Marine Sanctuary.

2 "The boundary issue is of utmost  
3 importance to us as two of our national  
4 parks border the Sanctuary: Golden Gate  
5 National Recreation area and Point Reyes  
6 National Sea Shore.

7 "The Golden Gate National Recreation  
8 area, as many of you know, have  
9 twenty-eight miles of land bordering  
10 the sanctuaries.

11 "Our efforts are to protect and  
12 steward our national park land and our  
13 stewardship affects the health of marine  
14 sanctuaries as the stewardship of the  
15 Marine sanctuaries affects the health of  
16 our park lands.

17 "Because nature knows no boundaries,  
18 it is imperative that we work closely  
19 together with Sanctuary staff and  
20 volunteers to ensure the health and  
21 protection of both the aquatic and to  
22 rescue our resources.

23 "The current southern boundary of



1           the Jew gennari (phonetics) is located  
2           at Pilar's Point which is right up the  
3           road from here.

4                 "If the southern boundary or the  
5           Gulf of the Farallones National Marine  
6           Sanctuary is moved south only to pay  
7           for Point Headlands as has been suggested,  
8           we will then have to partner with two  
9           sanctuary offices, one in San Francisco  
10          and one in Monterey.

11                "However, if the southern boundary is  
12          moved south to Ano Nuevo as we suggest,  
13          that will allow us to continue to build a  
14          strong relationship with one sanctuary  
15          office in San Francisco.

16                "As federal agencies task with  
17          protecting America's aquatic and  
18          terrestrial resources, we both need to  
19          work collectively to steward the public's  
20          resources efficiently and wisely which is  
21          what we know the public would like."

22                MR. WEISS:           If you can wrap up,  
23          please.

1 MS. POWELL: I will. Thank you.

2 "We worked together on many  
3 partnership programs that we've already  
4 begun.

5 "We would like to see this continue  
6 quickly. We worked together on rocky  
7 intertidal monitoring, oil spill response,  
8 live bird observations and we consult with  
9 each other on regulatory issues and we  
10 consult with Sanctuary staff on expertise  
11 on sharks and fish species.

12 "We'd like to be able to continue  
13 these partnerships and so we ask that you  
14 please move the boundary to Ano Nuevo  
15 which would be south of the borders of our  
16 park."

17 Thank you.

18 MR. WEISS: Thank you.

19 Keith Mangold, followed by Mike Eduoff  
20 and Louie Figone.

21 MR. MANGOLD: My name is Keith  
22 Mangold. I'm a recent of El Granada, speaking  
23 as individual, and I'm here to support moving

1 the boundary to Ano Nuevo.

2 In the overview that we have first saw,  
3 Dan referred to practical management boundaries  
4 and I think that's what this is really all  
5 about.

6 I think that if you look at the  
7 geography, the strip of land alone the coast,  
8 the distance between Monterey and between Marin  
9 and, basically, from here where we stand today,  
10 it's thirty-four miles from the Gulf of the  
11 Farallones' office.

12 It's fifty-two miles to Santa Cruz and  
13 it's a hundred and one miles from Monterey and  
14 I've been involved in volunteer programs with  
15 Monterey. A hundred and one miles on a stormy  
16 night is a long way to go.

17 Back in the 1850's, early '60's,  
18 Pescadero was part of Santa Cruz County. I  
19 don't know if anyone remembers that but it  
20 moved.

21 And the reason it moved was because of  
22 the logistics of getting through Waddell Point  
23 and the fact that in a bad storm, it's virtually

1 impossible.

2 Landslides, earthquakes as we saw it  
3 could take that out in a matter of minutes and  
4 that the ability of people to congregate, to  
5 meet, to have input to processes varies with how  
6 close they are with the center of that process  
7 is and that's no bad reflection on the Monterey  
8 Bay Sanctuary or anything that they've done.

9 It's just that I feel very strongly  
10 that our interests could have been better served  
11 by our proximity to the Gulf of the Farallones  
12 in things like the accidents that we've had, the  
13 oil spills due to shipwrecks and that type of  
14 thing.

15 It's been real. It's been immediate  
16 and you don't have to take a helicopter to here  
17 to help us out. I think it's very important.

18 Thank you.

19 MR. WEISS: Thank you.

20 Mike Eduoff, followed by Louie Figone  
21 and then B. J. Burns.

22 MR. EDUOFF: Hi. I'm Mike Eduoff.  
23 I'm with the San Mateo County Resource

1 Conservation District.

2 We're a small local agency that  
3 partners with the state and federal government  
4 to deliver locally led conservation programs to  
5 residents of the Western half of San Mateo  
6 County.

7 Our District includes almost all the  
8 coast line of San Mateo County.

9 However, we kind of define the  
10 resources everything from what water drops off  
11 the mountain and makes its way down to the  
12 valleys, through the farms, through the open  
13 space, through the towns into people's homes  
14 into that sanctuary scene.

15 So, we look at the whole thing as a  
16 resource, and we think that's an important point  
17 that ought to be made here.

18 We don't have any dog in this fight.  
19 My Board has a policy of not taking positions on  
20 annexations, boundaries and this stuff.

21 We do, however, have a very good  
22 working relationship with Monterey Bay, the  
23 National Marin Sanctuary. I'd like to tell you

1       about it.

2               This action plan for the agricultural  
3       and rural lands plan was put together with a  
4       coalition of a lot of people.

5               We are in the middle of recommending  
6       this. We think it's a wonderful program for our  
7       constituents, especially our farmers and other  
8       ruler landowners.

9               We know they'll only work with people  
10       if they want with us. We can get rid of their  
11       non-point sources concerns which is a national  
12       concern that EPA has under the Clean Water Act  
13       and I know that all federal agencies are a part  
14       of that.

15              So, we would like -- regardless of  
16       whatever happens here with this boundary, we  
17       would not like this program to go away.

18              We would want to remain in part of this  
19       program and just so you know for the record, we  
20       share staff.

21              Our federal staff is actually out of  
22       Santa Cruz. We have three staff two of them are  
23       in Santa Cruz. One is in San Mateo. So, there

1 is a nexus there.

2 We work with five other RCDs, five  
3 other central coast counties in this plan and  
4 it's an important program.

5 We don't want to see it go away and,  
6 for the record, I'm against the oil and gas  
7 leases but I did drive a car here. (Laughter).

8 Thank you.

9 MR. WEISS: Thank you.

10 Louie Figone, representing San Mateo  
11 County Farm Bureau, followed by B. J. Burns and  
12 Dawn Mathes.

13 MR. FIGONE: My name is Lou Figone.  
14 I live in Miramar and I farm in Miramar and I'm  
15 actually representing myself as a farmer.

16 I'm really confused about this whole  
17 thing that's going on and the points that you  
18 are talking about and I'm hearing a lot of new  
19 stuff here tonight.

20 We work with and I was a Board Member  
21 with the RCD for twenty-three years and we have  
22 worked closely with them on erosion control,  
23 different things to that nature that farmers do.

1                   What I would really like to see  
2           whatever way this goes is that the landowners  
3           are protected, the fishermen are protected,  
4           also, and I just met Ed Juber tonight, people  
5           from the Farallones Sanctuary, and I think I  
6           would like to see us sit down and talk with them  
7           and see what they have to offer to us.

8                   I know working with Monterey, there  
9           have been very good with us and we have been  
10          able to implement our own plans on a voluntary  
11          basis and it's working and I would hate to see  
12          the landowners lose that.

13                   Thank you.

14                   MR. WEISS:           Thank you.

15                   B. J. Burns, followed by Dawn Mathes  
16          and then Jack Olsen.

17                   MR. BURNS:           Good evening.

18                   My name is B. J. Burns. I'm a farmer  
19          in Pescadero and also on the Farm Bureau Board  
20          and we are opposed of the line movement because  
21          of ... I think it's natural.

22                   The Golden Gate Bridge seems to me a  
23          good line and this has been working. We've done



1 a lot with landowners and farmers up and down  
2 the San Mateo County coast and it seems to work  
3 and it was kind of a touch and go at the  
4 beginning because of the agency but we were be  
5 able to convince people that we could work with  
6 them and the Monterey Bay Sanctuary, I can't say  
7 enough good about them because they've been  
8 really good with us and we are having more and  
9 more people come on and help us with different  
10 programs and we have got funding going now.

11 We've got a board set up and to change  
12 all this is going to be a disaster in my opinion  
13 and we're going to lost momentum because there's  
14 going to be people that are going to drop off  
15 and we're going to have to start this process  
16 over and, again, I think we're going lose  
17 valuable people that we have aboard and we're  
18 very concerned about the sediment and the things  
19 that go into the ocean and we are doing a marsh  
20 study right now that's being finished up right  
21 now.

22 We've been in the bugle in Pescadero  
23 watersheds and we're waiting for the results and

1 we are looking forward to, hopefully, helping  
2 out and making it better for the fish and for  
3 the ocean.

4 So, I do hope that the line stays the  
5 same and we can continue the relationship that  
6 we have.

7 Thank you.

8 MR. WEISS: Thank you.

9 Dawn Mathes, Coalition of Central Coast  
10 County Farm Bureau, followed by Jack Olsen and  
11 Jim Salter.

12 MS. MATHES: Thank you for sitting  
13 through all of the public comments this evening.

14 I'm Dawn Mathis. I'm here representing  
15 several hundred farmers and ranchers who are  
16 members of the Coalition of Central Coast Farm  
17 Bureaus.

18 The coalition spans the entire  
19 geographic area of what is now the Monterey Bay  
20 National Marine Sanctuary.

21 It spans six counties, including San  
22 Mateo and I'm proud to say that San Mateo is in  
23 many ways the role model.

1           The farmers in San Mateo County have  
2           served as the role model for other farms  
3           throughout the central coast.

4           We have over eighty-five percent of the  
5           farmers and ranchers in this county involved in  
6           our coalition program.

7           This is a voluntary water quality  
8           protection program, the only industry-led  
9           voluntary water quality program in California,  
10          and we own many many a thanks to the Monterey  
11          Bay National Marine Sanctuary for working with  
12          us on this.

13          Over eighty-five percent of the farmers  
14          are involved in got watersheds in San Mateo  
15          County where a hundred percent of all of the  
16          conventional commercial agricultural operations  
17          are part of the watershed group and are involved  
18          actively in water quality protection.

19          So, I'm here to speak in opposition of  
20          the proposed boundary change because it would  
21          have serious consequences not only to the  
22          growers here in San Mateo County who have worked  
23          very hard to implement their water quality

1 protection practices but also to the entire  
2 central coast.

3 One thing that -- how am I doing on  
4 time? Thirty seconds.

5 Board of Supervisors in San Mateo  
6 County and Half Moon Bay voted on... voted to  
7 include the sea area in the Gulf of the  
8 Farallones and the land area in the Montgomery  
9 Bay National Marine Sanctuary.

10 This is an interesting idea. I don't  
11 know if it do-able or not but it hasn't been  
12 mentioned, yet.

13 So, anyhow, in conclusion, we oppose  
14 the boundary change and, primarily, I enjoyed  
15 the drive up here from Santa Cruz and noticed  
16 that most of the land area from Santa Cruz up to  
17 this spot is actually agricultural land and  
18 these are the farmers and ranchers who would  
19 most feel the boundary change.

20 Thank you.

21 MR. WEISS: Thank you.

22 Jack Olsen, San Mateo County Farm  
23 Bureau, followed by Jim Salter and then Dru

1 Devlin.

2 MR. OLSEN: Jack Olsen, Executive  
3 Administrator, San Mateo County Farm Bureau.

4 Acquiescing on the comments on the  
5 comments of the previous three speakers, we must  
6 stay opposed to a boundary change at this point.

7 Congressman Farr has taken great  
8 efforts in securing significant funding through  
9 the U.S. Department of Agriculture and the  
10 National Resources Conservation Service to work  
11 on the Agricultural and Rural Lands Plan and,  
12 currently, within that program the  
13 jurisdictional office covering this region  
14 covers Montgomery, Santa Cruz, and San Mateo  
15 Counties.

16 And we can be co-concerned with the  
17 amount of time because it does take us two hours  
18 to drive to Salinas but that agency and the  
19 resources, technically and geographically and  
20 educationally and scientifically, they have  
21 brought to our County are instrumental in  
22 guaranteeing the success of the Agricultural and  
23 Rural Lands Program.

1                   Speaking to the comments echoed by  
2                   Congressman Woolsey, there is some  
3                   misinformation presented there.

4                   Currently, within San Mateo County, we  
5                   are actually covered by both the San Francisco  
6                   and the San Luis Obispo Regional Water Quality  
7                   Control offices.

8                   There is jurisdictional boundary to San  
9                   Luis Obispo actually comes to just below  
10                  Pescadero Creek Road. So, the bottom third of  
11                  this County is in San Luis Obispo which actually  
12                  takes in most of the rest of the sanctuary.

13                  And, secondarily, also, Congresswoman  
14                  Anna Eschoo now with the gerrymandering or  
15                  redistricting that occurred with the last census  
16                  now takes in the entire coastal plane of Santa  
17                  Cruz as well as San Mateo Counties and we have  
18                  very unique and distinct issues here relative to  
19                  activities because the cropping patterns from  
20                  the Northern Santa Cruz City limit all the way  
21                  up to just out here at Devil's Slide are  
22                  unilaterally the same.

23                  And one of the efforts that we have

1       been able to undertake is a categorical pond  
2       development proposal for water empowerment to  
3       guarantee agricultural water sources which was  
4       done out of the fact because the cropping  
5       patterns were similar and the issues were  
6       similar for both counties.

7               So, the argument that scientific areas  
8       are different runs both ways because we do have  
9       many similarities to our neighbors to the south.

10              Thank you.

11              MR. WEISS:       Thank you very much.

12              Jim Salter, followed by Dru Devlin and  
13       then Steve Shimek.

14              MR. SALTER:       My name is Jim  
15       Salter.

16              I'm a thirty-year resident of El  
17       Granado. We've raised our family here and  
18       operated our family business which happens to be  
19       a crab boat out of Pilar Point Harbor for  
20       twenty-one of those years.

21              I'm in favor of moving the boundary  
22       line from Point Ano Nuevo, San Mateo-Santa Cruz  
23       County line.

1                   It's a natural ecological division.  
2           We're part of the Gulf of the Farallones by  
3           nature, by nature of the Golden Gate and all the  
4           water that flows in and out of the Golden Gate  
5           makes us part of the Gulf of the Farallones in  
6           an ecological sense, in a very real sense.

7                   Co-management is a more democratic form  
8           of governing the marine sanctuaries.

9                   Local regional management will provide  
10          for more representation for the local  
11          governments and citizens that comprise the  
12          community that are involved in the Gulf of the  
13          Farallones.

14                  Here, in Half Moon Bay, the fishermen  
15          and the local farm bureau and the farmers have  
16          worked together over the years on many issues.

17                  The fishermen held our meetings at the  
18          farm bureau headquarters for years and years  
19          until they no longer operate the building any  
20          more and, at one point in time, I was, myself,  
21          was invited to sit in on the Board of Directors  
22          to combine a link between the fishermen and the  
23          farming community.



1 I'm concerned that the -- I'm also  
2 concern that the farmers' package that has been  
3 worked out with the Monterey Bay Sanctuary  
4 continue in effect as it is if there is a  
5 boundary change.

6 I understand that it may require some  
7 legislative changes regarding the funding since  
8 it now is funded through the Monterey office.

9 However, I'm assured by Ed Juber of the  
10 Gulf of the Farallones that there would be no  
11 changes, the policy would continue as it is,  
12 status quo, and if there is any legislation that  
13 needs to be undertaken, that that would be  
14 pursued vigorously.

15 MR. WEISS: If you will wrap up,  
16 please.

17 MR. SALTER: Okay, that's it.

18 MR. WEISS: Oh, easy. Thank you  
19 very much.

20 Dru Devlin, followed by Steve Shimek,  
21 followed by Zeke Grader.

22 MS. DEVLIN: I am here as a  
23 resident of Half Moon Bay.

1 I'm also a marine educator and a long  
2 time Beach Watch volunteer and I'm also a parent  
3 here in Half Moon Bay.

4 A lot of my points have already been  
5 mentioned. I want to reiterate that I'm  
6 strongly in support of the boundary being  
7 realigned to have an ultimate Farallones managed  
8 from Rocky Point in Marine all the way down to  
9 Ano Nuevo, San Mateo, Santa Cruz border,  
10 wherever that line is.

11 I also want to say that I have several  
12 parents on the coast here say to me please say  
13 that they would like to have that point made,  
14 too.

15 It's our feeling that -- well, their  
16 point was they couldn't make it because they had  
17 family things to deal with this afternoon but I  
18 beg to differ with you, sir, in that I think  
19 this is a win-win situation.

20 We are not talking about losing any  
21 sanctuary. We're going to wind up with a  
22 sanctuary whether the boundary is where it is  
23 currently or whether it is moved.

1           The main thing is that we need  
2           management here and we need one management to  
3           work out what's happening.

4           The San Mateo residents, the San  
5           Francisco residents that are being sort of back  
6           and forth, we're not sure who we go to, I think  
7           is really in inefficient and not logical.

8           Right now, I know as a resident of San  
9           Mateo County that I would call the Gulf of the  
10          Farallones in a need if I should see a bird die  
11          or if I should see an oil spill. I am very  
12          concerned about the creeks.

13          The first time in six years of Beach  
14          Watch volunteering, I have noticed that the  
15          creeks along San Mateo and the Half Moon Bay  
16          Area have been closed consistently.

17          Every month that I go out and survey  
18          from the runoffs coming down from the  
19          agricultural land and I'm very concerned about  
20          the way the farmers have been managing or being  
21          managed here in the Sanctuary.

22          As far as moving the Sanctuary to the  
23          panhandle in Marin, well, if you are going move

1       that line, you've got to do all the studies to  
2       move.

3               Why not just move it down to Ano Nuevo  
4       and not to San Pedro Point? Because that's  
5       disenfranchising the San Mateo residents and the  
6       peninsula residents.

7               So, please! Change the boundary and  
8       let's get management and get the Sanctuary doing  
9       the job it's supposed to be doing.

10              Thank you.

11              MR. WEISS:       Thank you.

12              Steve Shimek, followed by Zeke Grader,  
13       followed by Jan Mohr.

14              MR. SHIMEK:       This has got to be a  
15       tough job because I'm just following somebody  
16       that says that they support the boundary change  
17       and I'm saying that I adamantly do not support  
18       any boundary change.

19              My name is Steve Shimek. I am  
20       Executive Director of the Otter Project and I'm  
21       here representing 4,500 members of the 48 out of  
22       the 50 states.

23              We are adamantly opposed to any

1 boundary change.

2 There was lots of research done and it  
3 showed that there was no natural break at any of  
4 the places that they suggested, whether that be  
5 Ano Nuevo or point San Pedro.

6 There was no break that really opened  
7 up and said, "boy! Here's what, you know, we  
8 need to do. Here's where we need to set the  
9 boundary."

10 There is, in fact, though, research  
11 which shows relatedness between the San  
12 Mateo-San Francisco County coast and Monterey  
13 Bay and that relatedness is through threat.

14 If there's an oil spill off the San  
15 Mateo County coast or San Francisco County  
16 coast, it smears into Monterey Bay, Point Pinos,  
17 Point Sur, and beyond.

18 If there is an oil spill that is north  
19 of the Gate, the same research shows that,  
20 basically, the current is coming in and out of  
21 the Gate largely dissipate that spill.

22 So, there is a break and that break is  
23 the threat level.

1                   There is a relatedness between San  
2                   Francisco-San Mateo County and Monterey Bay and  
3                   south.

4                   There is less of a relatedness between  
5                   San Mateo-San Francisco County and the Gulf of  
6                   the Farallones as far as threat.

7                   So, we just cannot support any change  
8                   in boundary.

9                   Frankly, to be honest and  
10                  straightforward, if we were to support a  
11                  boundary change, it would be a boundary change  
12                  where the Monterey Bay National Marine Sanctuary  
13                  Boundary moved all the way north and became one  
14                  sanctuary.

15                  That's what we can support. Frankly,  
16                  that's what's logical.

17                  I would like to end simply by saying  
18                  that the one-page sheet that came out asked the  
19                  question what are we trying to do and the number  
20                  one question was or the number one point was  
21                  ensure the protection of resources is maintained  
22                  or improved.

23                  Could somebody please answer the

1 question: How will resource protection be  
2 improved or maintained by boundary change?

3 Thank you.

4 MR. WEISS: Thank you.

5 Zeke Grader, followed by Jan Mohr, then  
6 Duncan MacLean.

7 MR. GRADER: I'm Zeke Grader, here  
8 with Pacific Coast Federal of Fisherman's  
9 Association.

10 I'd be glad to answer those but I only  
11 have two minutes but I'd be glad to take Mr.  
12 Shimek and some of those people who want to  
13 maintain the status quo and spend a lot or  
14 couple of hours with them and try to explain to  
15 them why we need a boundary change in that.

16 My members are from up and down the  
17 California coast. They're involved in all of  
18 the Monterey Sanctuary and all of the -- excuse  
19 me, all of the sanctuaries we have along the  
20 California coast, and we strongly support a  
21 boundary change because it makes sense.

22 I should say, incidentally, that we've  
23 been opposing offshore oil drilling since 1979.

1                   We are probably effective in helping  
2                   dip the current moratorium which includes not  
3                   just the sanctuaries but all of the California  
4                   waters, central Northern California, because we  
5                   were able to make the food and jobs argument to  
6                   get across to Russ Bill, Congressman, that it's  
7                   important to protect these areas not just for a  
8                   view shed but to protect food and job  
9                   production.

10                  Now, people here have been talking as  
11                  if the sanctuary boundary change is something  
12                  new that's been foisted upon us in the middle of  
13                  this management plan review program.

14                  I think ... I'm not saying anybody here  
15                  is lying but I think they have certainly been  
16                  lied to.

17                  Let me read something from October of  
18                  1992 from the National Sanctuary Office.

19                  This is a memo that went out basically  
20                  delineating the management areas between the two  
21                  sanctuaries.

22                  That delineation from the management  
23                  under Bush One administration was at Ano Nuevo.



1       Now, let me read what then Director Pava had to  
2       say.

3               "I considered this division on my  
4       visit to California and, after reviewing  
5       the condition which exists between the  
6       Gulf of the Farallones National Marine  
7       Sanctuary and the Monterey Bay National  
8       Marine Sanctuary, this assignment had  
9       responsibility will be beneficial to  
10      the public and the sanctuaries and reserve  
11      division."

12             Just a minute. Let me finish reading  
13      this and I'll have also copies here for  
14      everybody else to read, too, in case they doubt  
15      anything I'm saying.

16             "The Monterey Bay National Marine  
17      Sanctuary, Gulf of the Farallones  
18      National Marine Sanctuary cover the  
19      vast extent of Central California coast  
20      line.

21             "Along this coast line are  
22      natural biological oceanographic and  
23      political divisions.

1           "The most pronounced division of  
2           this type occurs at the Santa Cruz-San  
3           Mateo County line.

4           "A natural oceanic gyre exists  
5           north of this line and acts as a  
6           transition zone for many species,  
7           including the stellar sea lions, walk  
8           fishes, crabs and birds.

9           "The California Department of  
10          Fish & Game devises management  
11          enforcement at this line.

12          "Local county, state and federal  
13          agencies as well as the sanctuaries,  
14          therefore, can refuse duplication of  
15          effort and simplify reports and  
16          relationships for the Marin, San  
17          Francisco and San Mateo Counties --"

18                 MR. WEISS:           Zeke, can you wrap it  
19          up?

20                 MR. GRADER:           "-- as well as  
21          the Army Corps of Engineers, United  
22          States Navy and National Park Service  
23          and state agencies, to name a few."

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1                   So, this is not a new issue, folks. It  
2                   has been around for a long time.

3                   The only thing that's new is we finally  
4                   get to discuss it and I have copies here for  
5                   everybody to look at.

6                   Thanks.

7                   MR. WEISS:           Thank you.

8                   Jan Mohr, followed by Duncan MacLean,  
9                   followed by Pete Raimondi.

10                  MS. MOHR:           Hi. My name is Jan  
11                  Mohr.

12                  I'm a San Mateo resident. I'm also a  
13                  Beach Watch volunteer. I'm also a volunteer  
14                  program coordinator for the Farallones National  
15                  Marine Sanctuary Association.

16                  We have over two hundred fifty  
17                  volunteers who contribute their time and energy,  
18                  passion, concern for this protection of all  
19                  national marine sanctuaries.

20                  Two hundred fifty volunteers couldn't  
21                  be here today. I think they would be if they  
22                  could join with you in their dedication and  
23                  passion with our programs.

1                   We monitor beaches from Gravi Beach  
2                   which is just south of ... a half mile from Ano  
3                   Nuevo.

4                   Gerald and I did a beach survey this  
5                   morning at Cove Beach and we have a beach watch  
6                   survey program all the way up to Bodega Bay.

7                   We have volunteers that come from  
8                   Vacaville to do San Mateo County beaches. We  
9                   have people from Marin County driving down to  
10                  San Mateo to survey our coast line in San Mateo.

11                  These people are really dedicated. We  
12                  have two volunteers from Santa Cruz and they are  
13                  people who live in San Francisco and Marin  
14                  County.

15                  Maybe it's our mistake but we don't  
16                  recruit people from Monterey County to come up  
17                  to Santa Cruz County to be involved in our  
18                  program. If that is our fault, I guess I should  
19                  be the fall guy for not having recruitment two  
20                  hours away from our offices.

21                  But what I would like to say is please  
22                  hear the Board of Supervisors support who is  
23                  representative of the residents of San Mateo and

1 the residents of this community need to be  
2 heard.

3 San Francisco supports San Mateo  
4 County. San Mateo residents are commuting to  
5 San Francisco. They are not commuting to Marin,  
6 and they are huge political issues around this  
7 but I think I would just like to say please  
8 listen to the communities.

9 MR. WEISS: Thank you.

10 Duncan MacLean, followed by Pete  
11 Raimondi and Andy Varopaett.

12 MR. MAC LEAN: Thank you and  
13 welcome to Half Moon Bay.

14 My name is Duncan MacLean and I  
15 represent the hard working men and women out of  
16 Clear Point Harbor as President of the Half Moon  
17 Bay Fishermen's Harbor Association.

18 I also represent my industry as  
19 California Salmon Advisor to the PFMC, your NOAA  
20 brother that is charged with management  
21 fisheries.

22 I'm here today to speak to you on three  
23 issues but two of them on review. So, I'll just

1 go over some of the border issues.

2 I don't think I need to explain to you  
3 the history of the northernmost part of the  
4 Monterey Sanctuary.

5 It has been in the custody of the  
6 Farallones Sanctuary for quite some time and  
7 appropriately so. Geographically, geologically,  
8 and biologically, it belongs there.

9 As a fisherman and a coast side  
10 resident, I would prefer being affiliated with  
11 the Farallones Sanctuary as opposed to the  
12 Monterey Sanctuary for many reasons, not the  
13 least of which is my third issue which was  
14 trust.

15 This action should be a simple language  
16 adjustment and ruled on but for one little prod.

17 There has been some quality watershed  
18 work done by the ranchers in the counties  
19 covered by the northern region that we speak of  
20 and that cooperation and active participation  
21 should not be divided. If necessary, divide the  
22 border at the high tide line and keep those  
23 coalitions intact.

1           One of the primary reasons that I,  
2           personally, would like to see the border moved  
3           down to Ano Nuevo is because the management at  
4           the Farallones' Sanctuary, i.e., Mr. Ed Juber,  
5           is a primary reason for a working trusting  
6           relationship that can be developed and expanded.

7           Whereas, all that we've dealt with in  
8           the Monterey Sanctuary has been a lot of  
9           misrepresentations of fact, issues that are not  
10          within the purview of that sanctuary to be  
11          dealing with and, frankly, they are not to be  
12          trusted.

13          Thank you.

14          MR. WEISS:           Thank you.

15          Pete Raimondi, followed by Andy  
16          Varopaett and Jesus Ruiz.

17          MR. RAIMONDI:       Hi. My name is Pete  
18          Raimondi.

19          I'm the Professor and Chair of the  
20          Department of Anthropology and Evolutionary  
21          Biology at U.C. Santa Cruz.

22          I'm a member of the Systemwide Watering  
23          Program for the National Marine Sanctuary

1 Program.

2 I'm also the Director of the largest  
3 coastal ecological monitoring program in the  
4 world which extends up and down the West Coast  
5 of North America, including this area,  
6 extensively.

7 VOICE IN AUDIENCE: Can you speak a  
8 little louder, please?

9 MR. RAIMONDI: I want to make  
10 three points.

11 The first point is I've worked with  
12 both National Sanctuary Programs, the Gulf of  
13 the Farallones and the Monterey Bay National  
14 Marine Sanctuary and worked well with both.

15 The second point is that most of the  
16 research and I'm talking only from a research  
17 and scientific perspective here. Most of the  
18 research that is done in the area in dispute  
19 here is done by institutions in the Monterey Bay  
20 region and it would be very difficult to conduct  
21 that re research and split.

22 Third: From a scientific standpoint,  
23 from a coastal ecological standpoint, there is



1 no break in Ano Nuevo. There's absolutely no  
2 break.

3 If there is a break, the only break  
4 that occurs is right around where the current  
5 sanctuary borders occur and my words have been  
6 misunderstood, I think, with some of you people  
7 and I don't think it was intentional, just  
8 misunderstood and quoted as being that Ano Nuevo  
9 is being a natural break. There is simply is no  
10 natural break in our study.

11 These are the most extensive studies  
12 that have ever been done on the coast of the  
13 ecosystems.

14 Thank you.

15 MR. WEISS: Thank you.

16 Andy Varopaett, followed by Jesus Ruiz.

17 MR. VAROPAETT: Hi. I'm Andy  
18 Varopaett. I'm a local resident.

19 I'm here in favor of the boundary  
20 realignment to Ano Nuevo, an alignment to Pedro  
21 Point or Pacifica.

22 I mean, if you are going spend the  
23 money to do it, go all the way and do it right.

1                   I spend a lot of time down in Santa  
2                   Cruz in the water, on the water, and in San  
3                   Mateo County and I believe there is a  
4                   difference.

5                   I'm not a scientist but there is a  
6                   difference between the flowing quality between  
7                   the two areas.

8                   When it comes to the Sanctuary, I  
9                   really believe that San Mateo County is a lost  
10                  coast.

11                  Monterey Bay Sanctuary office has never  
12                  once returned a phone call and I have just asked  
13                  simple questions and they don't know who I am.

14                  Whenever I call over to the Farallones,  
15                  I get a return call within a day or two, never  
16                  fails.

17                  Thank you.

18                  MR. WEISS:           Thank you.

19                  Jesus Ruiz.

20                  MR. RUIZ:           Good afternoon. My  
21                  name is Jesus Ruiz.

22                  I'm the State Coordinator of the YMCA  
23                  Scuba Program of California for the USA-YMCA

1 National Scuba Program.

2 I would like to recommend that the  
3 boundaries be moved to Ano Nuevo for political  
4 and ecological reasons.

5 Most of the diving is done in Monterey  
6 and there is a distinct as far as the politics  
7 and the divers are concerned, there is a real  
8 distinction between Monterey and the Farallones  
9 Sanctuary and, if you're going to make a move,  
10 right now is the time to do it and the  
11 respondent would urge that move be made now.

12 Thank you.

13 MR. WEISS: Thank you.

14 That was the last card I had. So, I  
15 want to thank all the speakers who have taken  
16 the time out to stay to listen to highly  
17 profitable comments and I think what's going to  
18 happen we're going to take about a five-minute  
19 break so the panelists can come up and then we  
20 will start the panel discussion.

21 Okay? Thank you.

22 [RECESS]

23

1                   MS. BARROW:           I have one quick  
2                   announcement. It pertains to the Sanctuary  
3                   Advisory Council Members, and Dan will go into  
4                   it just a little bit more about how this next  
5                   hour will work.

6                   We will go for a full hour for this  
7                   next session. The first part will be a panel  
8                   discussion with some set questions that were  
9                   provided by the Advisory Council in advance.

10                  The second part will be an opportunity  
11                  for the Sanctuary Advisory Council members who  
12                  are sitting in the first three rows to have a  
13                  dialogue with the panel members.

14                  The Court Reporter has asked the  
15                  Sanctuary Advisory Council members when they  
16                  begin their comment or question, if they could  
17                  identify themselves, give their name and which  
18                  Council you are with so that the Court Reporter  
19                  can capture that.

20                  Thank you.

21                  MR. BASTA:           Okay. Thanks very  
22                  much.

23                  As I said earlier, we want to get a

1       little structure to this so that we could  
2       perhaps add more directed and thoughtful  
3       commentary and we had a set of questions, five  
4       questions, primarily from the Gulf of the  
5       Farallones.

6               Now, we have about sixty minutes and we  
7       do have a timer we who know is going to give us  
8       the right sequence of time today.

9               VOICE:           Fifty minutes left.

10              MR. BASTA:       What we are going to  
11       do is we're going to spend about twenty minutes  
12       and try to get through as many of those five  
13       questions as we can because there has been some  
14       concern that some of the staff members want to  
15       have more interactive discussion. So, we are  
16       going to do that and be responsive to that.

17              So, what I will do is I will read the  
18       question and then we have a couple of  
19       individuals.

20              Everybody has agreed that they would  
21       give a couple of minutes statement on their  
22       sense of the question and then we will see if  
23       any other members who are on the panel want to

1 comment on that question as well.

2 So, for these next twenty minutes, the  
3 audience observes them deal with these questions  
4 and how they interact among themselves on some  
5 of these questions.

6 So, I will read the first question:

7 "Where would the appropriate boundary  
8 between the two sanctuaries have been  
9 located in the event that the planning  
10 process for the two sides had been going  
11 forward concurrently with decisions at  
12 that time being based on biological  
13 resources, human population centers and  
14 political jurisdictions? A fundamental  
15 boundary question."

16 The first person who is going to address  
17 that is Bill Douros, Monterey Bay  
18 Superintendent.

19 MR. DOUROS: Yeah.

20 So, I think in my mind, several things  
21 are important to keep in mind or, you know, as  
22 part of the answer on this.

23 The first is that the planning process

1 typically for these sanctuaries or the question,  
2 presumably, is ten - twelve years ago when the  
3 sites were designated, the kind of environmental  
4 data and the biographic information and, you  
5 know, to some extent, some of the human  
6 socioeconomic information, typically, was not as  
7 rigorous as the kind of the information that we  
8 went through in this more recent process.

9 It's hard to say. It's hard to predict  
10 or project in my mind as to where boundaries  
11 would have gone.

12 I think that the process that was used  
13 by the internal team looked at as much  
14 information, the best information that we could  
15 reasonably get access to in this dimension and,  
16 looking back at the environmental documents and  
17 being aware of how other sanctuaries have been  
18 designated, there hasn't been this sort of level  
19 of review; the kind of data weren't available  
20 and haven't typically been used to make  
21 decisions about boundaries.

22 The last thing I'd say is that what we  
23 had in this analysis that we typically don't

1       have at our new sites being considered or the  
2       two sites in tandem are being considered is  
3       we've got ten, twelve, twenty years with the  
4       Gulf of the Farallones of experience  
5       understanding what the issues are; what the  
6       management problems are that, typically, are  
7       just a guess at the time of designation and that  
8       was influential to us in some of the  
9       decision-making that went on in this process.

10               MR. BASTA:           Thank you, Bill.

11               The next person is going to say some  
12       prepared remarks is Michael Weiss.

13               MR. WEISS:           Yeah.

14               I'm going to ... building upon what  
15       Bill has said.

16               The kind of the work that's going on  
17       now is exactly the kind of work that would have  
18       gone on if the two Sanctuaries were being  
19       designated simultaneously, looking at all of the  
20       variables that go into what purposes are you  
21       trying to achieve here? What are you trying to  
22       protect? How are you going to try to protect  
23       it?



1                   Interestingly, also, each of these two  
2                   Sanctuaries, they were designated about ten  
3                   years apart, give or take.

4                   The Sanctuaries act by which they were  
5                   designated under has changed a lot since the  
6                   early 1980's.

7                   In fact, some of the language we see  
8                   today that the internal team has used, natural  
9                   assemblages, things like that are the things --  
10                  are the purposes and goals for the National  
11                  Marine Sanctuary that weren't even around when  
12                  the Monterey Sanctuary was designated.

13                  So, we have to kind of look at what the  
14                  paradigm would be at the time and looking at  
15                  those Sanctuaries if you were looking at the  
16                  same type of criteria.

17                  Again, you would be going through this  
18                  type of process, doing exactly what we're doing  
19                  now and looking at the socioeconomic, the  
20                  ecological and geopolitical piece about this and  
21                  figuring out what's the best thing.

22                  Another point is we might not be  
23                  looking at two sanctuaries. We might be looking

1 at one sanctuary for this entire area and having  
2 various sub-units of it.

3 The Florida Keys National Marine  
4 Sanctuary has an upper Keys office, lower Keys  
5 office, middle Keys office because it extends a  
6 pretty significant portion of the Florida Keys.

7 Similarly, we might be looking at this  
8 completely differently if they were both being  
9 looked at at the same time.

10 MR. BASTA: All right.

11 Anybody on the Panel have anything they  
12 would like to add on those general comments?

13 Dan? If you could say stuff, they're  
14 not going to bite you.

15 MR. HAIFLEY: That's all right. I  
16 pass.

17 MR. BASTA: Anybody else want to  
18 add any commentary to that?

19 PANELISTS: (No response).

20 MR. BASTA: Okay.

21 Good on to Question Two:

22 "QUESTION TWO: (This is an interesting  
23 question).

1                    "Is NOAA really acting as a neutral  
2                    party in the dialogue for potential  
3                    adjustments in the boundary between the  
4                    two sanctuaries?"

5                    And this question should be answered by  
6                    Dan and Barbara.

7                    MS. EMLEY:            Yes, and I'm going to  
8                    defer to Richard CHARDER.

9                    MR. CHARDER:            I have been very  
10                    heartened by this meeting here tonight.

11                    I haven't seen this many people who  
12                    love this coast all in one room since James  
13                    Black tried to put an exploratory drilling rig  
14                    off of Pacifica and an onshore oil and gas  
15                    processing plant in Davenport.

16                    So, I think that it's very healthy that  
17                    Dan Basta and the Sanctuary team from Washington  
18                    have come to this community and decided to  
19                    listen to the people.

20                    I have been listening to the people and  
21                    it looks like it's closer than the Florida  
22                    election (Laughter), and there's a lot of chance  
23                    on the floor and I was one of the two staff

1 members that was chosen to be an observer as it  
2 was called in the closed meetings that  
3 surrounded the analysis of the biogeographic  
4 shoreline segments and I was extremely  
5 uncomfortable being the observer in those  
6 processes because I, personally, am have  
7 uncomfortable with any closed secret process.

8 We have a Congress right now in both  
9 the House and the Senate that writes legislation  
10 in the dark of night in secret rooms in the  
11 Capitol where the opposing party can't even get  
12 access to that legislation.

13 So, I have been extremely uncomfortable  
14 as to the science which is the most important  
15 part of this debate along with the entire  
16 geographic considerations which I think all of  
17 you have articulated so well.

18 As the science has gone forward, I have  
19 felt right along, just for the record, that that  
20 science should be happening in the light of day  
21 in a process that was governed by something like  
22 the Brown Act which we have here in California  
23 and respect where we don't have secret meetings.

1                   But given that meetings have now been  
2                   open and given that that science is now on the  
3                   table, I think what we have seen here tonight is  
4                   that NOAA is willing to listen, that there is a  
5                   component of this that NOAA has missed in the  
6                   secret meetings and that that component was to  
7                   listen to local officials, to state officials,  
8                   to Members of Congress who, after all, were  
9                   absolutely the reason these sanctuaries were  
10                  created.

11                  These were all a string of pearls along  
12                  the Coast of California, were created in  
13                  reaction to an industry that was trying to  
14                  destroy our way of life at the request of the  
15                  local elected officials, state elected officials  
16                  and Congressional officials.

17                  So, I think the biogeographical  
18                  component that's come together here tonight and  
19                  I hope everybody is listening and I've watched  
20                  this wonderful person taking great notes here.

21                  I hope it winds up being equally  
22                  weighted with the biographic matrices that we've  
23                  seen projected on the walls in these secret

1 meetings because, as you run down this coast  
2 looking for where the birds stop or where the  
3 fish start, there is not a very obvious line but  
4 there are, obviously, some strongly held  
5 feelings about how the community relates to this  
6 piece of protection.

7 The identification of the community  
8 with their ocean or their piece of ocean and  
9 that ownership is absolutely key to the part of  
10 the management plan review that all of us have  
11 spent a lot of time with NOAA's staff talking  
12 about, about how NOAA is deeply desirous of  
13 having better community relations and a better  
14 sense of ownership by these communities.

15 So, I encourage NOAA to truly be  
16 unbiased, to listen carefully to each and every  
17 one of you.

18 I, personally, just for the record, I  
19 have been at this for twenty-five years through  
20 more secretaries in the period than I could  
21 count.

22 I don't have, personally a strongly  
23 held view of where this line should be.

1                   We went north of the Monterey Sanctuary  
2           boundary until we ran into the Farallones  
3           boundary because we didn't want to leave a gap  
4           between the two because that would have been  
5           fatal to leave a gap with the oil industry with  
6           Ron Chamberlain (phonetics).

7                   I think so there is an even bigger  
8           debate that we should be having about six high  
9           interest oil tracks that are outside of the two  
10          sanctuary boundaries where they come together.

11                  That's a separate meeting but I'm  
12          really glad to hear everybody talking about oil,  
13          everybody talking about they're in love with  
14          this place and I think NOAA needs to be  
15          absolutely transparent in all meetings from now  
16          on.

17                  No more secret meetings, and to be  
18          absolutely responsive to this community to the  
19          degree that you can listen and translate it into  
20          a decision.

21                  I don't know if you can do it by the  
22          end of January but, at the point you do, I hope  
23          it's a decision that everybody can live with.

1                   MR. BASTA:           Since I'm the guy  
2           that points out stuff, I have to say a couple of  
3           things, too.

4                   "Secret"? I really take affront at the  
5           use of the word "secret" on any of these working  
6           groups and I would like someone sometime to give  
7           me a definition of secret.

8                   You make it sound like the Kremlin was  
9           at work behind closed doors.

10                  MR. CHARDER:        I'm talking about the  
11           internal working group --

12                  MR. BASTA:        I know what you're  
13           talking about.

14                  In my mind, I never considered any of  
15           these things secret or not totally available for  
16           anybody to look at.

17                  So, there is some miscommunication  
18           going on here.

19                  Dan?

20                  MR. HAIFLEY:        Yeah.

21                  I was also a SAC observer. I've been  
22           at this a long time myself, was involved with  
23           Monterey Bay at its designation and, in terms of



1       whether NOAA can be neutral, NOAA is invested in  
2       both of these sites very heavily.

3               You know the issues and you have enough  
4       distance to be able to make a judgment and I  
5       trust that.

6               I attended a couple of the meetings and  
7       my understanding and I think it was made very  
8       clear that the purpose of those meetings was to  
9       look at criteria for the draft analysis.

10              It was not a decision-making meeting,  
11      and I think earlier Dan pointed out there is a  
12      Phase One and a Phase Two.

13              Phase One is the analysis and the  
14      report the last I saw still has the word "Draft"  
15      on it.

16              I think what I recall in the meetings I  
17      attended were a discussion at data points and  
18      criteria, and did a fairly exhaustive job of  
19      that.

20              To me, that's a staff level analysis  
21      that happens very often. Then that draft is  
22      brought to the public forum, Phase Two. We are  
23      in it now. Each of the SACs will be involved in

1           that. The Joint Management Plan Review process  
2           is part of that. So, there are two parts.

3                     You have to have data on which to base  
4           a decision. The decision has to occur in the  
5           light of day.

6                     The data has to be there and those  
7           working groups that -- that internal team that  
8           met developed the criteria for those data.

9                     MR. BASTA:           Anybody else on the  
10          Panel want to weigh in and offer any comments?

11                    MS. EMLEY:          I'd like to say  
12          something.

13                    I think that when Richard used the word  
14          "secret", I think they were referring to the  
15          caveat that no materials could be taken out of  
16          the meeting, nothing could be shared of ... The  
17          SAC members were not allowed to share what they  
18          were gaining from those meetings.

19                    MR. BASTA:           Where did those  
20          instructions come from?

21                    MR. WILSON:          The regular document.  
22          The regular document.

23                    MR. BASTA:           Really?

1                   MR. WILSON:        Yeah.  
2                   MR. CHARDER:       Yeah.  
3                   MR. BASTA:         And I have got to see  
4                   these.  
5                   MR. WILSON:        Okay.  
6                   MR. BASTA:         Not this moment.  
7                   We can do it afterwards. You can show  
8                   then if you'd like, but ....  
9                   MR. HAIFLEY:        I think I may have  
10                  taken a piece of paper out of one. Am I in  
11                  trouble? (Laughter).  
12                  MR. HOWARD:         You are.  
13                  MR. BASTA:         Constable? We'll have  
14                  the guy in the rear take care of you.  
15                  MR. HOWARD:         This guy right here  
16                  can do it.  
17                  MR. BASTA:         Okay.  
18                  Here's Question No. Three: --  
19                  MR. HOWARD:         And Dan, I'll just  
20                  say one thing by this issue and that's I think  
21                  like Dan alluded to, Dan Basta.  
22                  MR. BASTA:         Which Dan? This Dan.  
23                  MR. HOWARD:         Not Dan Haifley and

1 not me.

2 MR. HAIFLEY: Three Dans.

3 MR. HOWARD: That this has been an  
4 issue for quite a long time and I have only been  
5 around it for about five, six years or so and I  
6 think we're really struggling with how to move  
7 this thing forward, you know?

8 What's the best way to move this thing  
9 forward and that's kind of how this whole  
10 scenario came about, you know? Let's do it this  
11 way.

12 Perhaps that wasn't the right way to do  
13 it in retrospect but, at the time, we thought  
14 that that would get us started and then we could  
15 at least bring something to you all for your  
16 critique and it would be a way to jump start the  
17 whole process and I think, you know, that's kind  
18 of how the secret stuff all got started, not  
19 that we meant to be secret at all, but that's  
20 kind of how this process developed and now we  
21 are kind of at the next stage where we're going  
22 to, you know, let you all have at it.

23 MR. BASTA: So, are you guilty of

1           being the create guy?

2                       MR. HOWARD:           No (Laughter).

3                       MR. BASTA:           Need to find a  
4           scapegoat.   (Laughter).

5                       VOICE IN AUDIENCE:       Can't trust  
6           those offshore sites.

7                       MR. BASTA:           Okay.

8                       "Question No. Three:   The Gulf  
9           of the Farallones Advisory Council  
10          passed two resolutions at their July  
11          retreat. They were one: The Advisory  
12          Council recommends that the report of  
13          the boundary modifications team, the  
14          afford mentioned secret work, be  
15          excluded from the consideration of  
16          Joint Management Plan Review  
17          recommendations and we recommend that  
18          a new process be initiated that  
19          directly involves the public and the  
20          Advisory Councils to determine where  
21          the appropriate boundary should be."

22                      Then the question is: "Is this  
23          workshop your response to these

1           resolutions? And if so, is this  
2           workshop expected to be the only  
3           response?"

4           And my little key tell me that Maria  
5           will address this.

6           MS. BROWN:       This meeting is an  
7           opportunity for the Gulf of the Farallones and  
8           the Monterey Bay and the Sanctuary Advisory  
9           Councils to provide additional input into the  
10          process.

11          It's an opportunity for the sanction  
12          program to hear from the public and there will  
13          be thirty days that we can receive additional  
14          comments and additional information.

15          So, the process is -- we're still in  
16          the process and we are still open to receive  
17          information and before a final decision is made.

18          MR. BASTA:        Okay, and I was  
19          identified to add anything to that, in fact,  
20          unless it was necessary and I don't think so.

21          So, we can go on to Question Four  
22          unless anybody here, any other member of the  
23          Panel want to say something about that? We are

1 getting through this very quickly.

2 "QUESTION FOUR: The draft findings  
3 report prepared by the boundary assessment  
4 team used the biological variables used  
5 in the biogeographic assessment that were  
6 readily available to them.

7 "Why did they not use any data on the  
8 physical, chemical and geological  
9 variables available elsewhere in the NOAA  
10 archives?

11 "For example, there are fifty years  
12 of data from Cal Coffee which might have  
13 helped them understand the ocean  
14 environment and the region of interest."

15 Dan?

16 MR. HOWARD: That's mine. Okay.

17 I'll start with the first part of the  
18 question. Why did they not use other data that  
19 were readily available to them?

20 We did consider sea surface  
21 temperatures from satellites and we looked at  
22 three-year averages of -- the seasonal component  
23 three-year averages.

1                   So, we looked at three-year average of  
2                   Spring time sea surface temperature, Winter, and  
3                   then Fall.

4                   So, we did use some of that information  
5                   during our meetings.

6                   We also considered Kenny Balsa's  
7                   (phonetics) thesis which was a synthesis of ten  
8                   years of oceanographic data from I believe it  
9                   was 1986 to 1995 or somewhere in there.

10                  Basically, he looked at the National  
11                  Marin Fishery services, juvenile raw fish  
12                  surveys that occur every Spring.

13                  So, this was limited to the upwelling  
14                  season but it was a ten-year time series and it  
15                  was also ... the sampling was done in the area  
16                  of interest between Point Reyes and Monterey.

17                  So, we did consult Kenny's thesis and,  
18                  actually, people on the Panel talked to Kenny in  
19                  person as well.

20                  So, we used him as actually one of our  
21                  experts that didn't show up on the list there  
22                  and then, also, from the satellite images, we  
23                  considered upwelling centers on the West Coast



1 in the study area from Onyoda (phonetics) to  
2 point south.

3 One of the questions is why we didn't  
4 use the Cal coffee lines and it was determined  
5 that the spacial extent of those Cal coffee  
6 lines fifty nautical miles apart weren't  
7 sufficient to answer the questions that we had  
8 in a relatively restricted geographic area.

9 So, Kenny actually used the Cal coffee  
10 data kind of as a backbone for his hypothesis  
11 and then he filled in data from Point Reyes to  
12 Monterey.

13 So, I guess you could say in a way we  
14 did refer to that Cal coffee data in some sense.

15 And then, finally, we were limited by  
16 because we decided to address this within the  
17 context of the Joint Management Plan Review, we  
18 had time constraints and we also had fiscal  
19 restraints that we had to deal with that limited  
20 our assess to some of the other data sets that  
21 we certainly could have used but it would have  
22 been a lot more effort and a lot more time to go  
23 out, find those data and do the analysis.

1                   MR. BASTA:           Anybody have anything  
2           they want to add on that?

3                   I guess one of the real questions, Dan,  
4           an answer that is required for, those are the  
5           data sets that could have been possible to  
6           incorporate it.

7                   Are those data sets actually  
8           significant drivers probably in this analysis?

9                   I mean, were there major things  
10          missing? Is this a known thing? Or we're still  
11          in a period of not quite sure?

12                  MR. HOWARD:           Yeah.

13                  I think you probably have to do the  
14          analysis. I would hesitate to venture there  
15          and, again, it comes down to defining what's a  
16          major biogeographic break?

17                  Certainly, there is a break there and  
18          you see species dropping out and species coming  
19          in but, you know, in terms of a major  
20          biogeographic break, you know? Perhaps that  
21          needs to be defined.

22                  MR. BASTA:           Yeah.

23                  The interesting point of this

1 discussion on is this or isn't there, it remains  
2 me, you know, of the old ABM crises of the  
3 antiballistic missile where there's the pros and  
4 the cons.

5 They use the same data set, both groups  
6 have lowball moral Marin scientists, totally  
7 different views of will work, will not work.

8 So, who has to make that choice? Well,  
9 the Judge did.

10 So there you have a person who is not a  
11 scientist and understands the problem and he  
12 can't distinct between the experts who were  
13 actually good credentials, equally good data,  
14 and he has got to make a national call about  
15 what we should do?

16 Something's wrong our process when we  
17 get to this sort of "we can't decide as  
18 scientists" and there is a little of that going  
19 on right here and I think we heard some of that  
20 on some of the commentary in the really terrific  
21 public comment period.

22 Last question. Then you get to be  
23 drilled by your colleagues which will be the fun

1 part.

2 "QUESTION FIVE: "If the draft  
3 finding reports prepared by the  
4 boundary assessment team showed no  
5 biogeographic boundary in the Joint  
6 management area, then why did they  
7 recommend moving the boundary to  
8 Pedro Point?

9 "They say the area is logistically  
10 more difficult for the Monterey Bay  
11 staff to reach and would be better  
12 served by the staff in the Gulf of the  
13 Farallones' office.

14 "If this is the reason for such a  
15 move, should we not move the boundary  
16 to a position where equally distanced  
17 from the two offices?"

18 Maria, you're first up on that.

19 MS. BROWN: Well, in terms of  
20 addressing the question on the equal distance,  
21 we want to have the greatest protection for the  
22 coast and by arbitrarily assigning a boundary  
23 based on equal distance does not take into

1       consideration the resources or the social  
2       political climate or the community and we want  
3       to take into consideration all three of those  
4       aspects and Bill is going to answer about the  
5       findings report.

6               MR. DOUROS:       Well, one of the  
7       things that's important to keep in mind is that  
8       and that was in the very first part of the  
9       presentation Dan gave was that a central focus  
10      of the analysis was and the whole question from  
11      the beginning was to determine what are the  
12      services that are or aren't being provided?

13             How can those services be provided  
14      better? What is the best way to be protecting  
15      the eco system? Who are the partners that we  
16      need to be working with?

17             Are we doing that? Would a boundary  
18      change effect that?

19             And, you know, it's true that as has  
20      been said and given the data sets that we looked  
21      at and, as this question implies, there wasn't a  
22      great deal of evidence that suggested moving the  
23      boundary further south would accomplish

1 something from a biogeographic or these other  
2 socioeconomic standpoints but, nonetheless,  
3 given that we were working on these issues of  
4 providing services and best protecting resources  
5 and working with partners, we felt that there  
6 would be some benefit to adjust the boundary in  
7 a way that would move that part off the marine  
8 coast in the area offshore San Francisco into  
9 the Gulf of the Farallones Sanctuary and,  
10 moreover, that moving it further south, while it  
11 might create some benefits and also created some  
12 additional hardships or other problems that  
13 would have been unattended.

14 So, our sense is that there would be  
15 some administrative benefits for moving it there  
16 and, as Maria said, to just pick a point equal  
17 distances, you know, sort of missing the fact  
18 that office locations are arbitrary, they can be  
19 moved. We've got staff in Santa Cruz as well as  
20 in Monterey.

21 So, I agree with Maria. That's not  
22 just the best calculus is to find a mid point  
23 along the road or as the crow would fly and draw

1 a line there. So, ....

2 MR. BASTA: Anybody on the Panel  
3 want to comment on that? Barbara, you look you  
4 want to say something?

5 MS. EMLEY: Well, I know that my  
6 staff members are going to want to address this  
7 further --

8 MR. BASTA: Okay.

9 MS. EMLEY: -- when you get to that  
10 part.

11 MR. BASTA: Well, that concludes  
12 the --

13 MR. HAIFLEY: I just wanted to  
14 point out -- I think it was pointed out earlier  
15 -- our SAC did not necessarily take the Pedro  
16 Point question because we were concerned and you  
17 made reference to the statutory concerns that we  
18 had and those were largely based on a discussion  
19 about offshore oil and a potential of opening  
20 that question up again.

21 MR. BASTA: This then concludes this  
22 little prepared Q and A on the questions that  
23 were on the minds, initially, of SAC, SAC

1 members.

2 We now have about a forty-minute period  
3 where SAC members now can direct questions to me  
4 and I can direct questions to them to answer  
5 whatever your questions might be.

6 So, I think what we need to do for the  
7 Court Reporter is whenever you ask a question,  
8 say who you are, which SAC you represent and  
9 then we can proceed.

10 So, right here? Sorry.

11 MR. HAROLD: My name is Chris  
12 Harold. I'm on the Monterey Bay National Marine  
13 Sanctuary. I'm the Chair of the Research  
14 Activities Panel, and my question sort of goes  
15 to the excluded data sets.

16 In these kinds of analyses, it's  
17 generally not feasible to include every data set  
18 that's ever been generated that might be germane  
19 to the issue. So, you do have to be selective.

20 The question is are you being biased in  
21 your selection so that it influences the outcome  
22 of the analysis?

23 And my question to the Panel is: Is it



1       your feeling that any data sets that were  
2       excluded if you included them, would they change  
3       in a substantive way the outcome of the  
4       conclusions?

5               MR. BASTA:           I think, Dan, you're  
6       probably the best to answer that.

7               MR. HOWARD:        I think that was the  
8       tail-end of Dan Basta's question to me and I  
9       wouldn't know, really.

10              The only thing I can say is that no  
11       analysis was really done on some of those real  
12       near shore sub-tidal communities.

13              None of that was included in our  
14       analysis. Whether that would change our  
15       determination? What we have to keep going back  
16       to is what we are trying to do is provide  
17       maximum resource protection.

18              That's our question, right? I mean,  
19       that's what we want to do as a sanctuary  
20       program, I think.

21              Would we find something doing further  
22       analysis that would, you know, trigger a light  
23       bulb that says, you know, these resources would

1       be in significantly better shape under a  
2       different management regime? I don't know.

3               MR. BASTA:        I would like to just  
4       say two words to that.

5               In my past life, I have actually done  
6       this work and have met the entire west coast of  
7       North America for certain species and it is a  
8       hard question to answer because you can find  
9       formal breaks latitudinally everywhere.

10              So, the real question I think is what's  
11      the purpose of what you are trying to do?

12              If you are trying to ensure in your  
13      boundaries that you are capturing enough of the  
14      critical operating elements of a system under  
15      that management jurisdiction so that decisions  
16      elsewhere don't effect it, that might be a  
17      different question than trying to ensure you get  
18      all the formal breaks at different trophic  
19      levels because systems are in dynamic  
20      equilibrium. They're always changing in various  
21      ways as well.

22              But what I am getting from this group  
23      here, to me, it's not a biogeographic question

1       at all. This is a geopolitical question of  
2       public interest, frankly.

3               We try to take the high ground and look  
4       at the maximum protection from the point of view  
5       of mother nature and you are telling us that you  
6       are concerned about the geopolitical dimensions  
7       of administration and ownership and programming.

8               Next question?

9               MR. HOWARD:       Just to finish that  
10       one, I think we tried to show it on a hula-hoop  
11       diagram where the biogeo was certainly a large  
12       component of it but there was five other  
13       management areas that contributed to, you know,  
14       to our decision.

15              MR. BASTA:        So now you like my  
16       diagram, right? (Laughter).

17              MS. EMLEY:        Yeah, I'd like Jim to  
18       be able to follow up on that, if I could.

19              MR. BASTA:        Yes, Madam  
20       Supervisor.

21              MR. KELLY:        I'm Jim Kelly. I'm  
22       on the Gulf of the Farallones Sanctuary, Marin  
23       Sanctuary SAC.

1           I was one of the people who was allowed  
2           to attend these, quote/unquote, secret meetings  
3           but not allowed to talk. That was just one of  
4           the rules.

5           We couldn't comment. I'm an  
6           Oceanographer who has spent forty years working  
7           in the ocean out here.

8           Those of the public that we have heard  
9           from that actually sailed this ocean, every one  
10          of them suggested the boundary ought to be  
11          moved.

12          There is something like local knowledge  
13          we call it at sea that is pretty helpful  
14          sometimes but I wanted to address the issue of  
15          the variables that were used.

16          This study and I pointed this out at  
17          one of these meetings to the Director of the  
18          meeting, was represented what I call the  
19          "tyranny of taxonomy" where they had a hundred  
20          and fourteen variables on fish counts and...  
21          species counts of fish, birds, marine mammals.

22          They had three variables that were  
23          physical oceanographic and those were sea

1 surface and they were analyzed, apparently, by  
2 an inspection. No information on the water  
3 column.

4 Now, there is years and years of data  
5 on the flow regime in this whole coast. We have  
6 institutions all the way from the University of  
7 Washington scripts that have been working on it  
8 and this data was ignored.

9 At some point, you might be able to see  
10 something if you looked at the and some of the  
11 water itself.

12 It was doomed, it seems to me, to  
13 failure. You know, I've been teaching science  
14 and doing research for four years and one of the  
15 things I try to tell my students is that in  
16 science be prepared because ninety percent of  
17 experiments fail.

18 So, it is not surprising to me that  
19 ninety percent of the variables didn't show  
20 anything.

21 What you do next is you looking at some  
22 other variables. You don't just say, "well,  
23 there isn't anything there." Do you see the

1 point?

2 MR. BASTA: Yeah, sure.

3 Excellent.

4 Right here.

5 MS. DONALDS: My name is Brenda  
6 Donalds and I'm also an employer of research on  
7 the Gulf of the Farallones and I also, just as  
8 part of what I do, I'm the lab director at the  
9 Waste Water Treatment Plant in Half Moon Bay.

10 MR. BASTA: I know.

11 MS. DONALDS: So, I wanted to ask  
12 the study revisitor or explain a little better  
13 the donut hole argument that the reasons for the  
14 exclusionary zone will remain in place is  
15 because the conditions have remained the same  
16 since the 1992 exemption area was developed  
17 because there has been some changes in the waste  
18 water treatment in San Francisco.

19 Also, in Pacifica there has been a  
20 significant change in the waste water treatment  
21 plant.

22 MR. BASTA: Could you more  
23 precisely state the question?

1                   MS. DONALDS:           My question would  
2           be... Yeah. That's a good point. (Laughter).

3                   My question would be could NOAA  
4           possibly re-examine the statement they made  
5           about the donut hole and the exclusionary rule,  
6           possibly include Pacifica some day?

7                   Because I think Pacifica is very  
8           imploded towards the marine issues and marine  
9           protection and I think that I know as a former  
10          resident of Pacifica that they would be  
11          delighted to be included in the Sanctuary and  
12          they don't have out the outfalling they used to  
13          have.

14                  So, that would be my question, I guess.  
15          Is there any plan to look further at tightening  
16          up the dormitory?

17                  MR. BASTA:           Okay.

18                  Mr. Weiss?

19                  MR. WEISS:           You're joking!

20          (Laughter).

21                  MR. BASTA:           Well, the point is  
22          not -- the point is there is no plan because the  
23          document said there is but the real question

1           that you asked is the possibility.

2                       So, that's why I asked Mr. Weiss --

3                       MR. WEISS:           Never ask a lawyer to  
4           research a scientific question.

5                       MR. BASTA:           -- about the mechanism  
6           and possibility regarding that issue.

7                       MR. WEISS:           I would say that the  
8           mechanism is the public process that we've been  
9           in and that, you know, we've learned about what  
10          it entails to change the boundary and what are  
11          the parameters that we would have to look at to  
12          determine whether to do that.

13                      I get from this question is whether  
14          you're looking back at the conclusion based upon  
15          the analysis done, whether that is going to be  
16          reopened. That's what you are asking.

17                      MS. DONALDS:        Topically but I think  
18          that's what we walk away with.

19                      MR. BASTA:           Bill?

20                      MR. DOUROS:        One thing I might want  
21          to flag and there was no such analysis done at  
22          all, what the Monterey Bay Sanctuary Advisory  
23          Council seized on that and part of their action



1       on this was to recommend that over the next five  
2       years, that get a legitimate genuine evaluation  
3       and a real decision be made whether or not to  
4       include it or not.

5               So, the Monterey Bay SAC recommended  
6       that could be passed that on but their own is  
7       part of the management plan as a future to do  
8       the planning.

9               MR. WEISS:           And then to follow on  
10       that, we have to look at management plans every  
11       five years which is why we are in this Joint  
12       Management Plan Review to begin with.

13              So, after that type of work is done,  
14       more information to make the more informed  
15       decision.

16              MR. BASTA:           Let me ask a question  
17       of Barbara.

18              What's the position of your SAC on that  
19       question?

20              MS. EMLEY:           We haven't brought  
21       that up. We haven't voted on that. What? You  
22       can't hear?

23              VOICE IN AUDIENCE:    I think you

1           should try and speak up.

2                   MS. EMLEY:           Oh! Our SAC has not

3           taken that issue up.

4                   MR. BASTA:           Would your SAC take that

5           issue up?

6                   MS. EMLEY:           I'm sure it would.

7                   MR. BASTA:           I guess it would now.

8                   VOICE IN AUDIENCE:       It is not in

9           our sanctuary.

10                   MS. EMLEY:           But it isn't in our

11           Sanctuary. It's in the Monterey Sanctuary

12           (Laughter).

13                   VOICE IN AUDIENCE:       She asked us.

14                   MR. DOUROS:           Give us the boundary.

15           We will take it out.

16                   VOICE IN AUDIENCE:       We'll solve it.

17                   MR. HOWARD:           As you're aware.

18                   MR. BASTA:           It is convenient now

19           that's the boundary. Save your bull in this,

20           not in our site, okay.

21                   Dan?

22                   MR. HAIFLEY:           I just wanted to

23           echo, Bill, so we did take that action.

1           I hope we do that, that's for many of  
2       us have been involved for a long time, that's  
3       been quite a contention. That was a surprised  
4       designation.

5           Also, I want to point out that during  
6       the meetings, we were allowed as SAC observers  
7       to ask questions and that was a good opportunity  
8       to not necessarily make statements but to  
9       challenge and to learn more and to do what you  
10      can in asking questions.

11           We were allowed some minimum dialogue.

12           MR. WILSON:           I think that we were  
13      allowed to ask questions to clarify.

14           MR. BASTA:           Right. That's  
15      correct.

16           Richard CHARDER was very creative in  
17      asking those questions. What a lot of malarkey!  
18      Right? (Laughter).

19           MR. HAIFLEY:          We took a cue from  
20      Alex Tribec, phrase in the form of a question.

21           MS. GAFFNEY:          Katelin Gaffney, and  
22      I'm the Conservation representative to the  
23      Monterey Bay Sanctuary, the Advisory Council and

1 the Chair of the conservation working group to  
2 that sanctuary, and I was surprised to hear an  
3 issue raised.

4 I heard a lot of issues that I expected  
5 to hear raised tonight and one that I hadn't  
6 heard before and I guess I'd like to hear from  
7 any on the Panel who would like to address this.

8 This concept of a sanctuary -- one  
9 sanctuary for the land and one for the water  
10 (Laughter) and, particularly, that this -- if  
11 true, that this was actually proposed by elected  
12 officials?

13 So, I guess I'm just interested in  
14 hearing a response to that idea.

15 MR. BASTA: Anybody want to tackle  
16 that?

17 MR. DOUROS: That's the first I  
18 have heard about it.

19 That's the best I, you know, I'm  
20 getting forgetful but I don't remember hearing  
21 about that at all and I'd have to think about it  
22 a lot more to figure out what it might really  
23 mean before I can comment about it.

1                   MR. WILSON:           I'm Bob Wilson. I'd  
2           like to comment on that.

3                   That was a misreading of the resolution  
4           by the San Mateo Board of Supervisors and what  
5           they did say is they recommended the boundary  
6           change to Ano Nuevo but they also recommended  
7           that the farming interest which were part of a  
8           coordinated group that was coordinated by  
9           Monterey Bay Sanctuary remain in that  
10          consortium.

11                  It was not a land/sea split as it was  
12          characterized but that's what that -- that's  
13          what their resolution does say.

14                  MR. HAIFLEY:        I thought it was  
15          essentially it sounds like it is.

16                  MS. GAFFNEY:        Then I guess my real  
17          question is how would that work? A program...  
18          Maybe I'll just leave it at that.

19                  MR. BASTA:         Yeah, you know,  
20          honestly, guess what? These sanctuaries are all  
21          in the same program.

22                  We can make anything work for the  
23          sanctuaries we chose to do in lots of ways.

1 MS. GAFFNEY: Could we hire like  
2 staffing? And, I mean, ....

3 MR. BASTA: We can do all those  
4 things necessary, okay? It is only a question  
5 of this (gestures), okay? Things are not  
6 looking too bad.

7 We had I think Peter was next and then  
8 one other --

9 MS. BROWN: Can I answer that  
10 question, the last one? Can I address that  
11 question, also?

12 MR. BASTA: Yes, okay. Sorry,  
13 Maria.

14 MS. BROWN: I think each sanctuary  
15 can learn from each other.

16 Both Sanctuaries have a great program  
17 and that's and since we are part of the same  
18 system, it's only logical that we can learn from  
19 each other's successes and I think that's the  
20 success that the Gulf of the Farallones is open  
21 to learning about is how they worked with the  
22 Farm Bureau and how can we learn from that and  
23 continue that, continue on that road of success?

1 MR. BASTA: Okay.

2 Peter, you're next?

3 MR. GRANEL: Yeah, Peter Granel,  
4 Monterey Bay Sanctuary SAC. I'm the  
5 representative of the four harbors: Monterey,  
6 Moss Way, Santa Cruz and North Point.

7 And my question starts with your  
8 comment about taking the high ground relative to  
9 the natural environment and what was in it. I  
10 forget how you characterized it and that gave me  
11 a little twinge because I think I'd prefer to  
12 take the high ground of the socio geopolitical  
13 side.

14 I think this represents the high  
15 ground, these people here who have a commitment  
16 to that high ground, and I think that's got to  
17 be recognized and emphasized and I think that,  
18 in fact, the scientific issues have been raised  
19 well.

20 I have nothing further to add  
21 especially from Dr. Kelly and so on but I think  
22 that the fundamental concern is, in fact, one of  
23 services administration management and, as Bill

1 Douros referred to the partners and there are  
2 partners out here, you know?

3 A woman here representing two hundred  
4 fifty volunteers. This is the kind, as Richard  
5 said, this is their piece of ocean, they  
6 represent, okay.

7 VOICE: Is that what --

8 MR. GRANEL: The question -- yeah.  
9 I mean, but I don't always do that... know  
10 enough. Thank you.

11 The question is this: Can in thirty  
12 days or so you and your colleagues actually  
13 address what I find the most glaring gap in the  
14 draft study which is no real consideration of  
15 that whole side of things, whatsoever, the  
16 partnership, the management and so on.

17 Because, after all, that's what got  
18 both Sanctuaries created in the first place and  
19 I think that's the underlying concern with that  
20 issue and if he cannot do it within thirty days,  
21 the second part of the question is are you  
22 willing as you said in Salinas to take the  
23 necessary time, as bothersome as it is to you



1 and you've got my sympathies in terms of the  
2 whole process.

3 You do, yeah, right! I know, I know,  
4 but, you know, can this really be dealt with so  
5 that you really do end up with a triumph here?

6 MR. BASTA: Well, some questions  
7 to me.

8 It is actually closer to sixty days.  
9 This is December 4th from the original time but  
10 I stand firm on that statement. We will take  
11 the time it takes.

12 We will do that, and if it is not  
13 January 31st, it would be as soon after that as  
14 we can but I think it's in everybody's interest  
15 here, the community and the programs' interest  
16 to put this to bed.

17 MR. GRANEL: Okay.

18 MR. BASTA: I'll try to remember what  
19 the order was but I think this person is next  
20 and then we have three others.

21 MS. DELANO: I'm Meg Delano.

22 I'm a Monterey Sanctuary at large  
23 representative of Pescadero and I'm the Chair of

1 Pescadero Municipal Advisory Council.

2 I wanted to point out that if the  
3 boundary is moved to Ano Nuevo, that will put  
4 the Pescadero precinct exactly cut in half  
5 between the two sanctuaries.

6 My question is if the boundary is  
7 shifted, will anything result from this that  
8 will lead the two sanctuaries to cooperate  
9 better?

10 A willful perception is that the reason  
11 that things happen to occur such as this  
12 two-year delay in getting the coastal signage up  
13 is in many ways the result of politic jockeying  
14 and we see... our concern is not to be removed  
15 of that.

16 MR. BASTA: So, the question is?

17 MS. DELANO: Can the Sanctuaries  
18 corporate better? What can we set up to improve  
19 corporation and order?

20 MR. BASTA: And my answer to that  
21 question is, oh, yeah! Oh, yeah, oh, yeah.

22 I mean, there is so much that a person  
23 can take and this squabbling and this nonsense

1       that we've been involved in and, frankly,  
2       everyone, I've had about everything that I am  
3       going to take from my staff and from our  
4       constituents.

5               We are going to fix this problem and  
6       these two sides are going to work harmoniously  
7       and I think we have the people to do it.

8               Come and see me in a year and ask the  
9       question is it working harmoniously? Don't do  
10      it tomorrow or the next day but a year from now  
11      or they will fire me.

12              Yes, sir?

13              VOICE IN AUDIENCE:        Would anybody  
14      else of the Panel members like to speak?

15              MR. BASTA:        I'm sorry (Laughter).

16              MR. HAIFLEY:       Not that we're  
17      pleased. (Laughter) You know, I didn't mean it  
18      that way. I'm sorry. I apologize.

19              MR. HOWARD:        I think it is already  
20      starting to happen in a lot of different areas.

21              This whole getting forced together for  
22      the whole Joint Management Plan Review. We're  
23      on-the-road staffs and everybody for twenty of

1       those scoping meetings all up and down the coast  
2       and gave us an opportunity to work together, get  
3       to know each other, makes it a little easier to  
4       pick up the phone and call.

5               We've got some research programs now  
6       that are cooperative, some education programs  
7       that are cooperative.

8               Some action items in the management  
9       plans that are these cross-cutting things that  
10      are supposed to make us work together. We'll  
11      evaluate that in five years of whenever.

12              So, I think it is happening on a lot of  
13      different levels and call them in a year and  
14      check it out.

15              MR. BASTA:           Dan?

16              MR. HAIFLEY:         I think just from a  
17      lay person's point of view, I think back to  
18      twelve years ago with the designation of  
19      Monterey Bay and the work that had been done  
20      with the Gulf of the Farallones is we are all  
21      looking to do the same thing.

22              We are looking to protect our coastline  
23      and, of course, the seminal issue is offshore

1 oil but that's something I think we need to  
2 continue to keep in mind and I'm glad that the  
3 program is taking this particular issue on and  
4 we'll resolve it.

5 MR. BASTA: Maria?

6 MS. BROWN: I think we are  
7 looking forward to working together, the two  
8 sanctuaries, and this meeting is a jumping off  
9 point for us to begin the dialogue, of talking  
10 together about issues of conflict between the  
11 two sanctuaries, and one thing that the Gulf of  
12 the Farallones has done is we've just recently  
13 hired an education coordinator and she is from  
14 Pescadores. That's her home and she is making  
15 an effort to meet with the staff of the Monterey  
16 Bay Sanctuary.

17 She is meeting with Julie Barrow at  
18 least once a week to start collaborating on  
19 programs and working together.

20 So, we are looking forward to building  
21 a stronger relationship.

22 MR. BASTA: One thing I want to  
23 say in fairness to our own staff is that these

1 sites are not any different than any other site,  
2 frankly, and the program has been this  
3 disjointed disconnected gathering places and so  
4 the whole program has been struggling with the  
5 attempt to make it a system.

6 Now, you see some of these behaviors  
7 manifest themselves a little more sort of  
8 acutely here because their sides are right up  
9 against one another but it is a systematic  
10 problem that this program has had for a long  
11 time and I can tell you it is changing.

12 It is changing but behavior does not  
13 change like that.

14 Sir?

15 MR. LAFFEN: Mike Laffen, Monterey  
16 Bay Sanctuary Citizen Representative for this  
17 area and a resident of Montara.

18 My question to the advocates is is the  
19 problem to be solved really worth a million  
20 dollars in potential administrative costs?

21 And I wonder if that million dollars  
22 split potentially when wherever you're going to  
23 find that in your budget between the two

1 sanctuaries might be better spent?

2 So, it's almost a rhetorical question  
3 but, at the same time to the advocates I'd like  
4 to understand if the problem is worth a million  
5 bucks, basically? Just the --

6 MR. BASTA: Dan, do you want to  
7 answer that?

8 MR. HAIFLEY: Well, first, I think  
9 that it's probably not.

10 I think it's not but the other side of  
11 it, my concern and I'll just state it right here  
12 is the oil question.

13 Not only are you spending a lot of  
14 money looking at this administratively but, if  
15 you open the question of oil, you are taking the  
16 statutory ban south if you move this boundary  
17 south.

18 If it's up to Congress to back-fill  
19 that, I think we may have problems and so I  
20 would answer the question I don't think there is  
21 a problem to be solved and we may be opening up  
22 a new problem and I, personally, just speaking  
23 for myself don't feel the risk is worth it.

1 MR. BASTA: Barbara?

2 MS. EMLEY: As far as I  
3 understand, I'm going to ask Richard to speak to  
4 this in a little bit about the oil but that  
5 sounds to me like those dangers are being  
6 exaggerated but I would like to say that we  
7 believe that you do achieve greater protection  
8 when the people who live adjacent to the  
9 shoreline feel involved with their sanctuary,  
10 that you are achieving a greater protection of  
11 the resource through that and what I heard in  
12 the public comment was that most of the people  
13 who actually live here want the boundary moved  
14 and, if you have that ownership, then you are  
15 move connected.

16 You're just ... You're more connected  
17 to it and you feel more likely to want to  
18 protect that area.

19 I'd like to Richard to talk about the  
20 oil.

21 MR. CHARDER: Well, when it's  
22 appropriate, I'd like to talk about the oil. I  
23 don't want to get in the -- jump the que here.



1                   MR. BASTA:           I think we have so  
2                   many questions that we should continue and I  
3                   believe you are next, you are next, and then  
4                   you.

5                   MR. REILLY:           Paul Reilly. I'm  
6                   with the Monterey Bay Sanctuary SAC and I'm the  
7                   Department of Fish & Game representative.

8                   During the public comment periods, Zeke  
9                   Grader referred to in October 1992, a NOAA memo  
10                  that mentioned a natural division in San  
11                  Mateo-Santa Cruz County line.

12                  Two questions: Was the internal work  
13                  group aware of this memo and, two, can someone  
14                  elaborate as to origin and content this memo?  
15                  And then I'll rest my --

16                  MR. BASTA:           Good question. Do  
17                  you want to answer that, Michael?

18                  MR. WEISS:           Well, as to whether  
19                  the internal work was aware, that's the internal  
20                  working group, that was at --

21                  MR. HOWARD:           I am now (Laughter).

22                  MR. WEISS:           And the '92 memo was a  
23                  draft memo. I don't know if it was ever signed

1       or finalized and, frankly, I don't know what  
2       type of analysis was done for that conclusion to  
3       be made in that memo.

4               We would have to kind of go and look at  
5       that and see what was the basis of that but I  
6       think the other point is if you looked at Dan's  
7       chronology of how that started in the various  
8       clarifications, extensions of this temporary  
9       arrangement, although it's viewed as temporary,  
10      the reasons for that also changed over time as  
11      to why this arrangements was being maintained.

12              So, there was some discussion to the  
13      biogeographical and there was some discussion of  
14      lack of resource was from the Monterey Bay  
15      Sanctuary.

16              So, again, the chronology gives a  
17      variety of reasons and I think that the process  
18      by which we are continuing to go for it and  
19      looking at this is probably the better way to go  
20      about looking at how to address it.

21              MR. BASTA:            Okay.

22              Now, I read that letter very carefully.  
23      Zeke didn't get a chance to read the whole

1 letter. There were three paragraphs in that  
2 letter. You read the first paragraph?

3 VOICE IN AUDIENCE: The whole thing  
4 is --

5 MR. BASTA: And the letter is  
6 here and I suggest that you read all three  
7 paragraphs but this is an internal document that  
8 sets it off. It's not signed.

9 It is in draft but it is a basis for  
10 some of what we're talking about but read the  
11 whole letter. There are three paragraphs, not  
12 one.

13 I think you are next, sorry. Ten  
14 minutes to go.

15 MR. SCHMIDT: My name is Kurt  
16 Schmidt. I'm the owner and AG representative  
17 for the Monterey Bay National Marine Sanctuary  
18 SAC.

19 When any boundaries are established  
20 particularly here where this was negotiated  
21 before it was adopted by Congress for the  
22 Monterey Bay Sanctuary, there were  
23 constituencies that participated in the process.

1                   After the Monterey Bay National Marine  
2           Sanctuary was established, the sanctuary SAC  
3           incorporate agriculture as a member for the  
4           start is the only sanctuary that has an  
5           agricultural member of the Advisory Council.

6                   The agricultural community within the  
7           Monterey Bay National Marine Sanctuary,  
8           particularly, in San Mateo County worked very  
9           hard and changed their position of how they did  
10          business to work better with the framework of  
11          the Monterey Bay National Marine Sanctuary.

12                   There is no similar framework in the  
13          Farallones' Sanctuary for dealing with  
14          agriculture.

15                   The problems we face now is because  
16          people have changed their position and because  
17          they have been very successful in improving the  
18          environment because of how they deal with the  
19          Sanctuary, how the farmers have dealt with their  
20          use of their land to improve runoffs.

21                   There needs to be a better  
22          clarification of the rules where standards will  
23          be used to rationalize a change in the boundary.

1                   There has to be a better more clear  
2           understanding of the procedure because if there  
3           is to be a change, it only makes sense that  
4           there has to be some bermen to establish a need  
5           for the change.

6                   So far, if we look at the arguable  
7           scientific basis, there is no real difference  
8           between the marine environment in Monterey Bay  
9           and up here.

10                  Yes. There is a political difference.  
11           We're in a different county. We're going to  
12           make the change because it's a political thing.  
13           We should say that and say that's the standard  
14           because of the problem with a lack of light  
15           coming into previous meetings, an actual  
16           outright secrecy.

17                  Maybe if the Panel explained what the  
18           standard should be for making this change  
19           because the little circles on the screen were  
20           totally amorphous and did not create any  
21           non-standard that could be articulated and later  
22           looked at to say do we reach this standard?

23                  And I would like to have some

1 clarification of what the standard will be  
2 because so many people are committed to the  
3 existing boundaries.

4 MR. BASTA: I think the way they  
5 -- Bill?

6 MR. DOUROS: Yes.

7 So, in terms of how we approached that  
8 question on the group, we spent a lot of -- we  
9 spent sometime trying to work that issue, trying  
10 to determine, you know, and ideally beforehand,  
11 right?

12 We felt like it was important to have a  
13 standard beforehand, before we got into it  
14 because then one's mindset may be biased one way  
15 or another as you went into it and we weren't  
16 able to necessarily nail that down.

17 For me, perhaps not surprisingly, I  
18 felt like that was a very important issue to get  
19 straight, you know?

20 We have three of ten data sets, you  
21 know? Quantifiable things suggest moving it.  
22 Is that enough? Should it be five out of ten?  
23 Should it be seven out of ten? Since there are

1       these administrative costs, these burdens, these  
2       complexities with it.

3               We weren't able to get there and we  
4       felt like, look our time is running out. We  
5       really do have to get on with the analysis.

6               And so I think we sort of resolved it  
7       in that, look, we'll kind of know it when we see  
8       it and, yet, you know, even that wasn't a good  
9       standard, admittedly, but yet it continued to be  
10      a concern, you know, for me as an individual on  
11      that group, you know?

12              When are we going to know, really, when  
13      we are there or not? My bigger fear might have  
14      been if we'd have, you know, a hundred and  
15      eighty day to assess and twenty would have said  
16      move it, you know?

17              Some that might have been enough and,  
18      to others, that might not have been enough. We  
19      even talked about the question that Jim brought  
20      up.

21              Look it! A bunch of data said say  
22      nothing. Do you just carve those and only work  
23      on the ones that show something and conclude,

1 well, data sets that don't show something, that  
2 actually does tell you something.

3 From a scientific methodological  
4 standpoint, that tells you something because you  
5 may, you know, may not be relevant in that case.

6 So, we struggled with it and we didn't  
7 necessarily resolve it. Whether or not it needs  
8 additional thought analysis, that may be  
9 something, you know, for Dan as a take-away  
10 message from today, given the input as you said  
11 that's sort of on both sides of the calculus.  
12 How do you rectify it?

13 MR. BASTA: Maria?

14 MS. BROWN: What we have are  
15 criterias in the findings report and it's on  
16 Page 8 and we had boundary evaluation  
17 objectives.

18 What we took was the National Marine  
19 Sanctuary Act and we took the set -- well, we  
20 added one but the main components of the Act  
21 that is our criteria, it's more qualitative than  
22 quantitative and that's what makes it more  
23 difficult to make, you know, a definitive answer



1           because, you know, because of the -- it being  
2           qualitative but take a look at the findings  
3           report and you can see the criteria that we  
4           used.

5                       VOICE IN AUDIENCE:       Just to follow  
6           up on that, shouldn't the burden to change be  
7           better than the burden to establish?

8                       Because people change their positions  
9           once there is a boundary and the act talks about  
10          what criteria you look at to establish a  
11          sanctuary, not to move the boundaries, and I  
12          think we are missing the fact that change is  
13          really an important factor here because people  
14          are committed to the existence of the boundaries  
15          as they exist.

16                      MS. BROWN:            I think what people  
17          are committed to are they committed to the  
18          National Marine Sanctuaries?

19                      They're committed to that area of ocean  
20          being the sanctuary and we stand firm on that  
21          commitment.

22                      MR. BASTA:            Anybody else want to  
23          put any north commentary on that before we go to

1 the next question?

2 MR. WILSON: I have one question,  
3 Bill. I'll come to this later but the one  
4 question that I have probably are for you and  
5 Michael is, as you have stated, the statute has  
6 standards for designation as sanctuaries and it  
7 appeared as if you felt that that was the  
8 process that had to be followed for a boundary  
9 adjustment because the statute doesn't really  
10 speak about either of those two.

11 Have you considered a process other  
12 than that formal Congressional way, whether it  
13 could be done administratively, one that could  
14 be done in a fashion that doesn't require that  
15 because nobody is asking that more or less be  
16 added or taken away from a sanctuary.

17 It's still a sanctuary that's been  
18 designated by Congress. So, is there something  
19 in between?

20 MR. BASTA: Well, I think the  
21 only experience we have is that changing a  
22 boundary is in Tortilli's (phonetics) ecological  
23 reserve as far as keys where actual additional

1 areas were added to the sanctuary property, then  
2 you would have to conclude that and, in that  
3 case, in fact, we had to go through due process.

4 MR. WILSON: True.

5 MR. BASTA: And that's all the  
6 experience in changing boundary.

7 MR. WILSON: But have you  
8 considered that, legally, you might not have to  
9 do that for the adjustment?

10 MR. WEISS: Well, if you look at  
11 the law, it says you can change the term and  
12 designation and a boundary is a specified terms.

13 It says right in the law. One of the  
14 terms of designation of three things:  
15 Characteristics that give the area; status of  
16 warranting it being a national marine sanctuary  
17 to begin with; what the boundary is and what are  
18 the activities that can regulate those with the  
19 potentially activities?

20 And it clearly says the only way to  
21 change that is by following the same procedure  
22 by which the sanctuary is designated and the  
23 difficulty for us, in fact, is we have to follow

1           those procedures.

2                   Everything I put up there is something  
3           we have to procedurally follow.

4                   Now, you read those procedures that  
5           apply to designating a sanctuary, some of them  
6           may not apply because those determinations that  
7           the area is already nationally significant  
8           warrant the sanctuary status, we have the answer  
9           to that. We have to address it but we have the  
10          answer.

11                   These two sanctuaries have been  
12          sanctuaries for over ten years.

13                   So, those types of things make the  
14          process a little easier in the analysis but the  
15          statute is clear on the process we have to go  
16          through.

17                   MR. WILSON:           I was asking less  
18          than a formal boundary shift where you have  
19          administratively it's taken care of because, you  
20          know, administratively, you've been making  
21          changes within that sanctuary for a period of  
22          time.

23                   MR. BASTA:           Yeah.

1                   MR. WEISS:           Sure, that change is  
2                   -- if you don't want to change a boundary and  
3                   address these problems through administrative  
4                   means, even changing regulations, you don't have  
5                   to go through those additional designation  
6                   procedures as we call it.

7                   MR. WILSON:           Right.

8                   MR. BASTA:           Yes, sir?

9                   MR. CHARDER:          Richard --

10                  MR. BASTA:           How much time do we  
11                  have left?

12                  VOICE:            About two minutes.

13                  MR. BASTA:           Last question.

14                  MR. CHARDER:          Right.

15                  Richard Charder, Farallones SAC. I  
16                  would like to address the issue of oil because  
17                  the one common thread we've heard here tonight  
18                  is make sure we have protection from offshore  
19                  oil and gas and I think that's a very important  
20                  thing to be paying close attention to right now  
21                  because if the current configuration in  
22                  Washington continues the way it is, House and  
23                  Senate Whitehouse, as a re-election, we have to

1       assume that everything outside of these  
2       sanctuaries may be open to the oil industry,  
3       everything.

4               This year we renewed the one-year  
5       moratorium for the twenty-third year the  
6       surrounding waters, sounding sanctuaries.

7               What a lot of people didn't notice is  
8       we lost the Richard Salmon Fishery on the planet  
9       through Crystal Bay in that one-year moratorium  
10      we'd been protecting since '89.

11              So, being cognizant of the implications  
12      of offshore oil and gas and the protections that  
13      these sanctuaries have and give us this whole  
14      coast in its intact ecological health that we  
15      see today is very important and I have a  
16      request. It's not a question.

17              It is a request for, basically, a very  
18      simple analysis. As we all know, the  
19      Sanctuary's banned oil and gas in -- generally,  
20      in the designation document combined with the  
21      regulations.

22              At the time the Farallones was created,  
23      there was a state-of-the-art knowledge about how

1 to do that in the Sanctuary designation  
2 documents and in the regulations.

3 In my personal opinion, in some ways  
4 the Farallones combination of documents is  
5 stronger than Monterey because of sea bed  
6 alteration being precluded in certain ways and  
7 certain kinds of discharges down to very minor  
8 discharges.

9 We did not anticipate at the time that  
10 Farallones was created, things like sea bed  
11 lining or methane hydrate, strip mining or some  
12 of the metals mining that we then anticipated  
13 when the Monterey breaks and designation  
14 documents were done.

15 So, that includes offshore oil and gas  
16 and minerals extradition that goes a step  
17 further.

18 So, what I would like to see is a  
19 side-by-side and this is not rocket science and  
20 it doesn't take a lot of meetings but I think we  
21 should see the side-by-side of how the two deal  
22 with it and it was mentioned here earlier that  
23 the issue of statutory protection which was

1       afforded to Monterey and that was part of a  
2       carrot and the stick approach that Congress was  
3       using in case NOAA didn't designate.

4               We believe NOAA would designate but  
5       keep in mind it had taken about twelve years.

6               So, there was a legislative effort put  
7       in place so that if NOAA didn't designate  
8       Monterey, Congress would do it, would act, and  
9       that statutory protection duplicated in some  
10      ways and strengthened what the Monterey  
11      designation document and regulations do.

12              That statute was part of, I believe, as  
13      I recall a hurricane relief bill.

14              MR. HAIFLEY:       Florida.

15              MR. CHARDER:       Services for Florida.

16              Florida has been destroyed by a  
17      hurricane. So, we must pass legislation. It  
18      was a couple of lines, you know, a few lines of  
19      code hidden in a Bill.

20              If it is delineated by latitude and  
21      longitude of the boundaries of the sanctuary and  
22      I haven't looked at this for a long time, then  
23      changing the boundary probably would have no



1 effect on the statutory protection.

2 If it does, then we could amend -- I'm  
3 suggesting we could easily amend the statutory  
4 protection to a new geographic area even in this  
5 lineup in Washington as bed as it is.

6 This is not rocket science. Nobody is  
7 going to say, well, you don't need a protection  
8 for the sanctuary and maybe we should do it  
9 anyway to include the Farallones.

10 So, I suggest taking a two-page paper,  
11 analyzing this so that we don't have confusion  
12 among various people who think, oh, we are going  
13 to lose some protection if this happens or if  
14 that doesn't happen.

15 There are ways in which Farallones  
16 currently I believe protects the sea and sea bed  
17 in some ways that it would be easy to lay this  
18 all out side-by-side.

19 So, that's not a question but it's a  
20 request and that should be on the website or  
21 distributed to everybody here.

22 The oil industry will read it with  
23 great interest and I think this is an important

1 part of the issue because, again, this is  
2 something that draws us all together.

3 We heard the oil theme through  
4 everybody's testimony that I heard. Nobody  
5 wants oil rigs here. So, that should be part of  
6 the public debate.

7 MR. BASTA: You know, one of the  
8 things that, you know, we already have done  
9 this, actually, because it's not just with  
10 respect to the Gulf of the Farallones and  
11 Monterey.

12 The sanctuaries implemented at  
13 different points in time and different and  
14 different administrations.

15 There is a mix of stuff. They all  
16 have sort so far different levels of protection  
17 and specifications.

18 So, we have gone through an analysis  
19 here to put all together this together and what  
20 we are looking towards in our national marine  
21 review process is trying to find that sort of  
22 common set that is the greatest protection that  
23 we can evolve into the program.

1                   So, we have been doing that and you  
2                   have specific request.

3                   MR. CHARDER:           Well, it just seems  
4                   like it should inform this decision in a way  
5                   differently than I've heard here tonight which  
6                   is a lot of doubt and, "gee, if we move the  
7                   boundary, do we looking protection?" I think  
8                   that should be clear.

9                   MR. BASTA:           What we'll do, we'll  
10                  put that comparison on the web, on the site that  
11                  is for the Joint Management Marine Review site  
12                  so that everybody can see what that  
13                  cross-comparison analysis looks like.

14                  MR. CHARDER:       And the statutory  
15                  language for Monterey and I've talked to a  
16                  couple of Congressional staff people who think,  
17                  you know, it wouldn't be that hard to redo that  
18                  statute and expand it.

19                  MR. BASTA:       Well, you know I'm not  
20                  allowed to talk to them about that.

21                  MR. CHARDER:       I know you're not  
22                  but I am.

23                  MR. BASTA:       Okay.

1                   That concludes the formal Panel  
2                   discussion and Q and A.

3                   I'm sorry, but we are true that part of  
4                   this. I thought it was pretty good and I think  
5                   it worked.

6                   I think added to the content of our  
7                   discussion and now, Julie, if you'd take over  
8                   the rest?

9                   MS. BARROW:            Okay.

10                  We are going call at 7:00 o'clock just  
11                  for easy purposes and we are going to take a  
12                  break until ten after 7:00 during which time the  
13                  two Councils will gather in the following  
14                  locations:

15                  The Monterey Bay Advisory Council will  
16                  stay in this room for a conversation amongst  
17                  themselves and audience is welcome to stay.

18                  The Farallones Advisory Council will  
19                  move to the Harbor Room which is in the  
20                  southeast corner of the parking lot.

21                  It is a detached building. Follow M.J.  
22                  Egresses: You can go out this door and at the  
23                  lobby door. You can go out that door and around

1           the side of the building and look for M. J. and  
2           we do want to make this as orderly as possible  
3           but as quick as possible so that the Councils  
4           can get set up.

5                   VOICE IN AUDIENCE:           How much is  
6           the discussion? People think you only have ten  
7           minute discussion time.

8                   MS. BARROW:           The Council  
9           discussion is a half an hour, I believe, half an  
10          hour according to the agenda and then everyone  
11          will come back into this room and the Councils  
12          will get a five-minute opportunity each if they  
13          would like to report out the gist of the  
14          conversations and then Dan will make some  
15          closing remarks. Okay?

16                   MS. BROWN:           And both Council  
17          meetings are open to the public.

18                   MR. WILSON:           Oh, I thought it was  
19          secret (Laughter).

20                   MS. BARROW:           The one thing I do  
21          have to point out about the other room just so  
22          that we can have the maximum number of chairs in  
23          here for the major part of the meeting, there

1           are only about fifteen, twenty audience chairs  
2           over there.

3                       So, you are all welcome go over there  
4           but the sooner you get there, the more likely  
5           you are to get a chair.

6                       MR. HAIFLEY:           So, to clarify then  
7           at 7:10 is when this convening takes place or  
8           the gathering.

9                       MS. BARROW:           At 7:10 in the  
10          meeting room.

11                      MS. EMLEY:           It will take us ten  
12          minutes to find out.

13                      MR. BASTA:           Let's all get over to  
14          the other room.

15   [RECESS]

16                      MS. BARROW:           Okay.

17                      The main thing we want to do in this  
18          last section is give each of the Councils an  
19          opportunity to share the gist of their  
20          conversation.

21                      So, I'll assume that it's going to be  
22          Barbara Emley for Farallones and Dan Haifley  
23          over there, the Monterey Council and then Dan

1 will make some closing remarks.

2 Hopefully, our timer will have us out  
3 of here by 8:00 o'clock.

4 Wait. May I make one more  
5 announcement, please? I'm sorry, I just forgot.

6 Tomorrow morning, the Monterey Bay  
7 National Marine Sanctuary Advisory Council  
8 meeting is being held at Ulcus (phonetics) Youth  
9 Ranch which is about four miles south of Half  
10 Moon Bay.

11 You just take Highway 1. You'll see a  
12 sign that says turn to the left for Ulcus  
13 (phonetics) Ranch, follow the road about a mile  
14 and you'll see a sign which says Ulcus Ranch to  
15 the right.

16 The meeting starts at 8:30 in the  
17 morning. It is open to the public and there is  
18 time on the agenda for a continuation of this  
19 discussion in the afternoon I think it is.

20 Okay. Now I'm really done. It's all  
21 yours.

22 MS. EMLEY: Okay.

23 Our staff met. We had a quorum. Over

1       the last few days, we've been by email  
2       developing a position paper and, at our meeting  
3       this evening, we decided that the testimony that  
4       we've heard and the conversations that we've had  
5       didn't substantially change the position that we  
6       had already agreed to by email.

7               So that we voted to ask our  
8       secretary/manager to forward that position paper  
9       to Dan Basta and we also heard some testimony  
10      today that we felt we would want to address and  
11      we're reserving the right to forward some  
12      amendments and I think that's it.   That's what  
13      we did.

14             MR. BASTA:            Okay.

15             MR. HAIFLEY:         Okay.

16             Well, we met informally. Under our  
17      charter and protocols, we cannot meet in the  
18      absence of the Chair or Vice Chair. Both were  
19      not here tonight. Our Chairs may have had told  
20      of Council meeting, Vice Chair was away.

21             So, we did, however, have a lively  
22      discussion. Tomorrow we will have our meeting  
23      as was just announced and this is on the agenda



1       for the afternoon session. So, we will be  
2       taking the boundary issue up specifically at  
3       that time.

4               We did want to convey the following  
5       points, however, after hearing the public  
6       testimony tonight.

7               We were compelled by some sediment of  
8       some San Mateo County residents that they feel  
9       disenfranchised. We know that.

10              We believe that there are many  
11       solutions to this. One may be a boundary shift,  
12       but that -- number three, there are other  
13       potential solutions that we hope will be  
14       considered as well.

15              MR. BASTA:           My turn.

16              I have a few things to say, some  
17       observations that I think I want to share with  
18       all of you.

19              I'm going to recap so that we are all  
20       just on the same page about what happened here  
21       tonight and with the expectations and all.

22              First, I want to say that the public  
23       comment period, in particular, impressed me as

1       one of the best comment periods that I have been  
2       involved with.

3               This was the case where every presenter  
4       was a real stakeholder. Every presenter had  
5       real knowledge and the quality of the overall  
6       body of presenters, I think, is about as good as  
7       it gets in the public process.

8               And I took notes on all thirty-two of  
9       you. I think I got most of the names correct  
10      but I think I captured -- personally, I captured  
11      my own notes on your comments and I tell you  
12      that because I want to you know that we are  
13      listening to you.

14              I'm not going to wait for the Court  
15      Reporter to give us their summary but I have my  
16      own notes and I have ideas of how I'm going to  
17      analyze what was said.

18              I think that I can declare this meeting  
19      to be a successful one. I think that this  
20      meeting could not have gone better from our  
21      perspective.

22              We wanted to hear exactly the kinds of  
23      things that you told us and there were a few

1           surprises for me as well in hearing it.

2                       This is how public processes work. I  
3           think that we are going to be stronger, no  
4           matter how this comes out from this point  
5           forward.

6                       I have heard some very creative  
7           solutions in the corridors spoken by people  
8           about ways in which to deal with this because,  
9           in the end, what I heard was we fundamentally  
10          have the exact same objectives.

11                      There isn't any difference in anybody's  
12          objectives and public comment from any of our  
13          panel discussions about what we were trying to  
14          do. We were all on the same page.

15                      What we had is a little bit of what I  
16          call the war between the states issue.

17                      There is a geopolitical question here  
18          and that is a question in my mind that I see  
19          stimulated by a lack of performance on our part.

20                      The reason why you are concerned and  
21          upset is because we haven't done our jobs in our  
22          program and that's why we are here in this room  
23          today, I would submit. If I were you, that's

1 the way I would look at it.

2 Please write in additional commentary.

3 Please take a look at all the stuff on that  
4 website and give us as much thoughtful  
5 commentary on solutions, not just problems,  
6 solutions.

7 Put your thinking cap on. Give us an  
8 idea. There are no bad ideas. There are only  
9 bad ideas implemented and I'm quite open and  
10 Michael and everybody else to hearing all your  
11 best thoughts.

12 What we tried to do today was to hear  
13 from you guys and participate in interactive  
14 discussions and tried to do it in an organized  
15 way.

16 I thought the panel sort of format  
17 worked okay. Barbara says, yeah, is still not  
18 convinced (Laughter) but I think she's  
19 begrudgingly giving me a little, giving me a  
20 little and that's all I need and I think we have  
21 achieved our objectives today.

22 Next slide, if you will?

23 We had our public comment. We had our

1 Panel discussions. We had our open forum. We  
2 have heard what the Advisory Council is going to  
3 do.

4 I would like to give a little bit wild  
5 and crazy and suggest something to the Advisory  
6 Council.

7 How about talking to one another more  
8 directly on this particular subject?

9 MS. EMLEY: In fact, we are  
10 forwarding (laughter) ....

11 MR. BASTA: Because I think that  
12 will be a very valuable thing to do.

13 I think there is far more common  
14 grounds here and you need to tell us how to do  
15 our job better because I think the problem got  
16 exacerbated and probably driven to where we are  
17 because we did not do our job.

18 So, I want to encourage the SACs to get  
19 together. You guys did a great job when you had  
20 that joint workshop and I think there is a real  
21 opportunity to meld this.

22 So, I want to thank you all for your  
23 time and effort and encourage to you stay

1 involved in the public process.

2 It is something we have to do not just  
3 for this but for all things in our country  
4 today. So, thank you very much. I want to  
5 congratulate you all.

6 Yes, Peter.

7 MR. GRANEL: I would just like to give  
8 a node of appreciation to you.

9 It is not easy for someone in a  
10 position like yours to stand up and say we've  
11 got to do better and I just want to acknowledge  
12 that.

13 MR. BASTA: Well, thanks. I  
14 appreciate that and we will do that. I'm  
15 committed to that.

16 MR. WILSON: We tell him that all  
17 the time.

18 MR. GRANEL: I hope you didn't  
19 think you had to do that but we really  
20 appreciate that. I mean, ....

21 MR. BASTA: No. I mean, you  
22 know, if I actually cut myself in enough pieces,  
23 I'd be out here all the time.

1                   VOICE IN AUDIENCE:       But you offered  
2                   an expansion of time, you offered more  
3                   direction. Thank you.

4                   MR. BASTA:               Okay.

5                   MR. HAIFLEY:         I want to thank you  
6                   for this. We will distribute this tomorrow.

7                   MR. BASTA:               Everybody drive  
8                   carefully. Watch out for the wet roads and we  
9                   will be seeing you. Thanks very much. Thank  
10                  you. [Applause]

11                                       (CONCLUDED AT 7:54)

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